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SPS ENQUIRIES AND NOTIFICATIONS: PROCEDURES TO FULFILL WTO OBLIGATIONS AND ENHANCE PRIVATE SECTOR INVOLVEMENT IN EVALUATING SPS NOTIFICATIONS

31 May 2007

This publication was produced for review by the United States Agency for International Development. It was prepared by the Trade, Investment, and Business Acceleration Project (Contract #AFP-I-00-04-00005-00).

This report is made possible by the support of the American People through the United States Agency for International Development (USAID) under the terms of Trade, Investment, and Business Acceleration Project (Contract #AFP-I-00-04-00005-00).

USAID|TIBA is implemented by a consortium led by Booz Allen Hamilton. Consortium members include Emerging Markets Group, Economic Integration Forum, Crimson Capital, and Mendez England.



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This report is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this report are the sole responsibility of its authors and do not necessarily reflect the views of USAID or the United States Government.

SPS ENQUIRIES AND NOTIFICATIONS: PROCEDURES TO FULFILL WTO OBLIGATIONS AND ENHANCE PRIVATE SECTOR INVOLVEMENT IN EVALUATING SPS NOTIFICATIONS

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Handling SPS Enquiries and Notifications and Developing Private Sector Participation in Benefiting from SPS Notifications from WTO Members¹

Executive Summary

The attached document, “SPS Enquiries and Notifications: Procedures to Fulfill WTO Obligations and Enhance Private Sector Involvement in Evaluating SPS Notifications”, consists of five sections including institutional aspects of developing an SPS enquiries and notifications system, procedures for handling SPS enquiries, processing outgoing SPS notifications, processing incoming SPS notifications and an action plan to increase private sector involvement in the system.

¹ Task 3, Amended SOW1: Assist the Ministry of Economy Information Center in establishing procedures to handle and respond to WTO SPS notifications and enquiries, and provide ongoing information to interested parties regarding foreign country SPS notifications on proposed requirements.

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SPS ENQUIRIES AND NOTIFICATIONS: PROCEDURES TO FULFILL WTO OBLIGATIONS AND ENHANCE PRIVATE SECTOR INVOLVEMENT IN EVALUATING SPS NOTIFICATIONS

INTRODUCTION

The WTO Information Centre (Centre) in the Ministry of Economy will be the only official contact point for sanitary and phytosanitary (SPS) enquiries from WTO Members (Members) and other interested parties² and for receipt of incoming and transmission of outgoing SPS notifications. The Centre will have to ensure that enquiries from Members are responded to within a reasonable timeframe and by the appropriate state expert. The Centre must also ensure that outgoing notifications to the WTO contain required information in the correct format in the English language. To support the private sector and take advantage of the opportunities WTO membership will bring to Ukraine's exporters, the Centre staff will need to ensure that SPS notifications from Members that pertain to traded goods that are critical to Ukraine's export performance are identified, assessed by the appropriate experts and interested private sector parties, and, when appropriate, comments are prepared by relevant state experts on proposed SPS measures of other Members.

In order to fulfill the above obligations to the WTO, standard procedures for processing SPS enquiries, ensuring preparation of necessary outgoing notifications, and reviewing and evaluating incoming notifications are necessary. The implementation of these procedures requires establishing a partnership between the Centre and state bodies regulating SPS measures. Involving the private sector in assessment of SPS notifications from Members will significantly enhance Ukraine's economic gains from WTO membership. The remainder of this report therefore includes five sections: institutional structure for SPS enquiries and notifications, procedures for handling SPS enquiries, processing outgoing notifications, processing incoming notifications, and an action plan to develop the necessary partnership with the private sector.

² The WTO SPS Agreement mandates the establishment of an SPS enquiry point and SPS notifications point to fulfill transparency requirements. In the Laws of Ukraine "On the Safety and Quality of Food Products", "On Veterinary Medicine" and "On Plant Quarantine", the SPS enquiry and notification points are also required to respond to requests for information from any interested party whether domestic or foreign. Therefore, the operations and procedures described in this document encompass obligations in addition to those to the WTO.

SECTION I: ESTABLISHING AND ENSURING AN EFFICIENT SPS ENQUIRIES AND NOTIFICATIONS SYSTEM

Since the WTO Information Centre is housed in the Ministry of Economy—a state body that does not regulate or oversee SPS-related matters—the Centre’s role will be that of coordination. As a coordinating state body, the WTO Information Centre must have sufficient authority to ensure that any request for a response to a SPS-related enquiry that is forwarded to a SPS regulating state body—the State Sanitary-Epidemiological Service (Sanitary Service), State Department of Veterinary Medicine (Veterinary Service), State Plant Quarantine Service (Plant Quarantine Service) and the National Codex Commission (NCC)—is responded to promptly. In the case of Ukraine’s outgoing SPS notifications to the WTO, the Centre must have sufficient authority to order, when necessary, the preparation of SPS notifications.

The regulations attached to the Cabinet of Ministers Resolution No. 408 of 31 May 2005 establishing the WTO Information Centre give the Centre, among other things, the right to involve specialists of state and private sector entities in the consideration of issues within the Centre’s competence and to receive information from the same entities as necessary to perform assigned tasks. This authority is an important foundation for establishing the necessary institutional structure needed to fulfill the Centre’s mission.

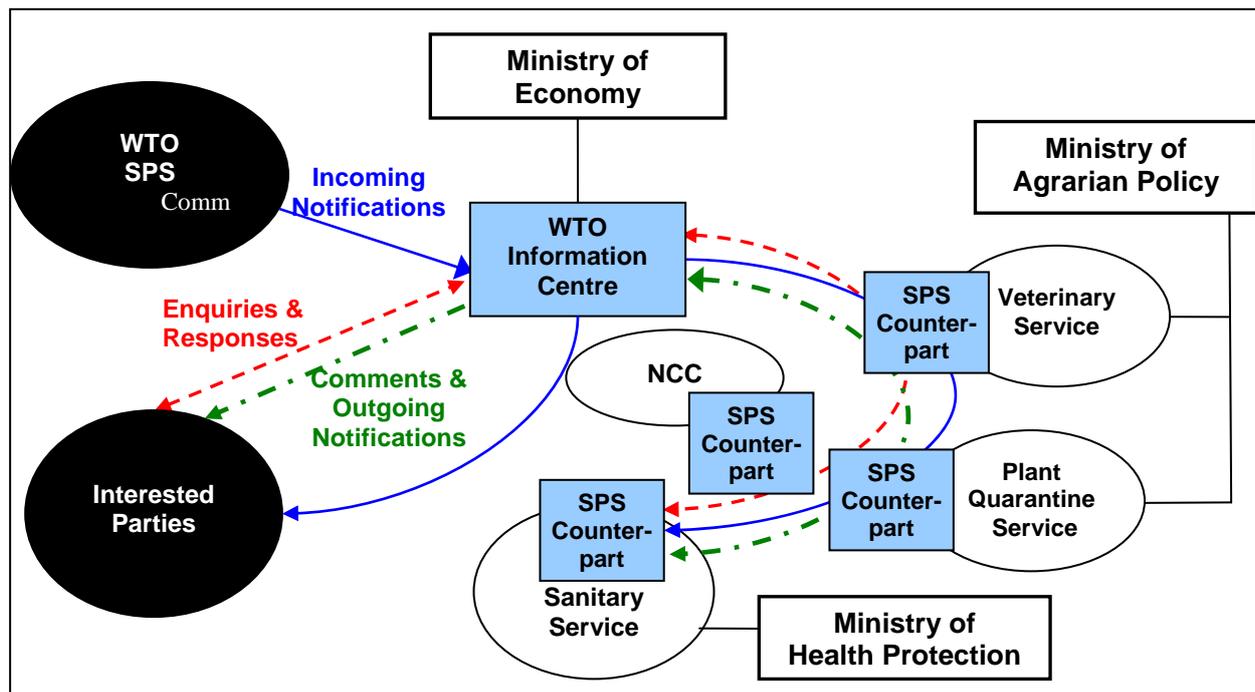
THE WTO INFORMATION CENTRE AND SPS REGULATORY BODIES

The most efficient means of involving experts of relevant state bodies and receiving information from such experts and bodies is for the Centre to work with a counterpart (an office or individual in a specific position) in the NCC and SPS regulatory bodies (Sanitary Service, Veterinary Service and Plant Quarantine Service) (see Figure 1). The success of the Centre will depend crucially on a continuing relationship with its SPS counterparts in these state bodies.

COUNTERPARTS IN REGULATORY SERVICES

The SPS counterparts in the regulating state bodies must have the authority and means to obtain necessary information or analysis promptly from sources within their respective Services. The individuals in the counterpart position must have sufficient technical knowledge about SPS matters to provide necessary documents and information or, when needed, obtain the necessary information from those within the NCC or their respective Services with greater technical knowledge of SPS-related developments. The counterpart must continually be aware of proposed changes or proposals for new SPS-related regulations and inform the Centre of such. This means counterparts in the SPS regulatory bodies must establish good working relationships with technical experts within their Service. In addition, since English has been designated as the official language for correspondence with the WTO, most SPS enquiries will be received and responded to in English, outgoing notifications will be prepared in English and incoming notifications will be in English when available in that language. Therefore, it is important that WTO Information Centre staff members and counterparts in the NCC and SPS regulatory bodies have a high level of proficiency in English.

Figure I—Schematic of Information Flows related to SPS Enquiries and Notifications



The natural counterpart for the Centre at the NCC is the Coordinator of the activities of the NCC sub-committees. For the SPS regulatory bodies, it may be most appropriate to establish the SPS counterpart in the international cooperation offices since SPS enquiries and notifications are related to international cooperation. Individuals in these offices are most likely to have the necessary English language proficiency and most likely have a history of working closely with international cooperation offices in other State bodies. Alternatively, under the EU-funded TACIS project implemented in 2004-2006, a SPS information centre was established under the auspices of the Ministry of Agrarian Policy. That centre may be the ideal location for the Veterinary Service and Plant Quarantine Service counterparts provided individuals in the information centre have the authorities and abilities noted above.

TECHNICAL EXPERTS IN SPS REGULATORY BODIES

Technical experts in the SPS regulatory bodies must be aware of the State's obligations to the WTO with regard to notification of proposed (draft) and emergency SPS measures. This includes all persons involved in developing laws, implementing regulations for laws, orders, instructions and other legal acts related to SPS matters. These technical experts must ensure that the SPS counterpart in their respective Service is fully informed of all pertinent activities.

INFRASTRUCTURE AND INSTITUTIONAL ASPECTS OF THE SPS ENQUIRIES AND NOTIFICATIONS SYSTEM

Most of the functions to be undertaken by Centre staff members and counterparts are time sensitive. That is, SPS enquiries should be answered promptly and usually in no more than five days. Incoming WTO notifications of draft SPS measures will generally include no more than 60 days for review and comment of proposed measures. That 60 day period includes receipt of the notification, determination of whether the notification is of concern to Ukraine, request and receive the proposed measure from the responsible state entity in the notifying Member, translate it to Ukrainian, circulate the document to interested parties and, when necessary, prepare written comments about the proposed measure (translated to the appropriate language if necessary) and transmit the comments to the responsible body in the foreign country.

To meet these timelines, it is absolutely critical that information flows between the Centre and counterparts, and then counterparts and relevant experts, is a high priority within each regulatory body. The counterparts and, for each regulatory body, a person capable of taking over the counterparts' responsibilities (i.e., capable of substituting for the counterpart) must have priority access to experts in the

regulatory body. Since the experts are likely to be in administrative units (offices) other than that of the counterparts, cooperation among offices within each regulatory body is a necessity. To ensure priority access and facilitate cooperation, it may be necessary for the Ministers of the Ministry of Health and the Ministry of Agrarian Policy to issue an order (or other appropriate instrument) mandating prompt response of Service experts to the Service counterpart and the Service counterpart to the Centre.

Access to infrastructure that permits quick and efficient communication between the Centre, counterparts, technical experts, other interested parties and other WTO Members will be critical to the successful operation of the WTO Information Center. In addition to the obvious need for reliable and wide-bandwidth e-mail capabilities, databases that record and monitor document flows among participants in the SPS enquiries and notifications system will be necessary.

MEANS OF COMMUNICATION

Incoming and outgoing SPS notifications are in electronic form and SPS enquiries are likely to be in the same format. Communications between the Centre, counterparts, technical experts and other interested parties must be electronic as well, preferably via e-mail software. Standard operating procedure must include notice to the sender of e-mail that the recipient has received and read the e-mail. If this feature is not available in e-mail software being used by the Government of Ukraine (GOU), it is strongly recommended that the Centre consider alternative software for communications. Otherwise, Centre staff members will have to revert to the old-fashioned means of ensuring receipt of critical communications: the telephone.

While GOU state bodies have e-mail capabilities, some interested parties in the private sector may not have such capabilities. When this is the case, communication means will be limited to the telephone, faxing and the postal service. This will shorten the amount of time that these private sector parties have to assess incoming SPS notifications and prepare comments. Therefore, when providing such information to other interested parties without electronic communication means, the time period during which comments may be received from such parties must be reduced to take into account the time required to mail electronic documents.

REGISTRIES FOR SPS ENQUIRIES, OUTGOING NOTIFICATIONS AND INCOMING NOTIFICATIONS

Electronic registries will be used to record SPS-related information, including enquiries and notifications, received by the Centre and by counterparts. The SPS Enquiries, Outgoing SPS Notifications and Incoming SPS Notifications Registries will include dates that enquiries or notifications are received and forwarded, document numbers and names, the topic (i.e., food safety, animal health or plant health) and other information enabling tracking of information flows.

As an example of how registries will be used, consider the case of an SPS enquiry received in electronic form. Upon receipt of the enquiry, the following information will be entered in the registry:

- Date of receipt of the enquiry;
- Document name or identifying code;
- The WTO document number if the enquiry is in relation to a Ukrainian notification;
- Classification of the enquiry (i.e., sanitary measure, veterinary-sanitary measure or phytosanitary measure);
- Relevant counterpart; and
- Date request is forwarded to counterpart.

The enquiry will be forwarded by the Centre to the appropriate counterpart, who will in turn enter the following tracking information in his/her registry:

- Date of receipt of the enquiry;
- Document name or identifying code;
- The WTO document number if the enquiry is in relation to a Ukrainian notification;

- Administrative unit in the regulatory body capable of responding to the enquiry; and
- Date request sent to administrative unit.

Additional information will be added to the counterpart's registry when the response to the enquiry is prepared, including date of receipt of the response, response document name, name of the technical expert that prepared the documents, and so on.

Note that the first three entries in the counterpart's registry are the same as the first three entries in the Centre's registry. These data are necessary to track the processing of the enquiry. Since each of the counterparts will maintain a separate registry containing the same data fields, a total of five registries (at the Centre and at each regulatory body) will be maintained. The probability of data entry errors increases with the number of registries. And, data entry errors will have the effect of breaking the flow of information.

The most efficient means of maintaining and using such registries is for Centre staff members and counterparts to have electronic access to centralized registry databases. This will require assigning of passwords to Centre staff members and counterparts with each individual's password determining which data fields in the registries may be changed. For example, counterparts will have the right to change the contents of the "Administrative Unit" field but not the "WTO Document Number" field.

Note that centralized database registries make it easier for the enquiries and notifications system to continue to operate efficiently in the event of absence of a counterpart. For example, if a counterpart is on sick leave and comments on an incoming notification are due at the Centre, a staff member in the Centre can identify the administrative unit in the regulatory body that is responsible for preparing the comments and contact the appropriate individual(s) to determine the status of the comments. Thus, a centralized database will be an important asset that keeps the system operating.

In addition to centralizing the registry databases, the services of a database expert are strongly recommended. The fields (data) in the database must be structured carefully to ensure that necessary information can be quickly obtained from the registries. For example, the Centre may need to know which enquiries have not yet been responded to in order to follow up on the information request. The counterpart may need to know which technical expert prepared a response to a previous enquiry that is similar to a new enquiry. And, calculating the number of days taken to respond to enquiries received over the past six months may be necessary. Suggested data fields for each registry are contained in the following sections. A database expert should review these suggestions and add or subtract data fields as necessary to ensure that answers to these and other questions can be extracted from the database.

With appropriate programming that can be called upon when working in the registry databases, e-mails to counterparts regarding enquiries, comments received regarding outgoing notifications, analysis needed for incoming notifications and other standardized communications can be automatically generated and sent. Since this capability increases the efficiency of the enquiries and notifications system, it is recommended that development of such a system be explored.

SECTION II: PROCEDURES FOR HANDLING SPS ENQUIRIES

SPS ENQUIRIES

SPS enquiries will be received by the Centre from various persons including state representatives of WTO Members, importers, exporters, domestic and foreign food manufacturing companies, domestic and foreign individuals, and so on. The number of enquiries from abroad that the Centre receives will be positively correlated with the magnitude of Ukraine's international trade in goods that are subject to SPS measures.

WTO Guidelines

State bodies other than the Centre will continue to receive direct requests on SPS-related matters. Enquiries that are received by the individual units within state bodies can be answered directly and do not need to be processed through the Centre. However, the Centre, as the official WTO SPS enquiry point, must respond to any requests made of it.

The enquiries received by the Centre will fall into two categories: requests for documents associated with an outgoing notification (e.g., a proposed SPS measure) or information requests³. Examples of likely subjects of enquiries are:

- Copies of draft SPS measures described in a notification to WTO members or copies of supporting documents for such measure;
- Laws and implementing regulations governing the development, adoption, and application of SPS regulations and related procedures;
- Documents containing the basis for SPS measures including procedures and means of risk assessment and any reports related to the assessment of such risk;
- Procedures and means of controlling and combating plant pests and animal diseases within Ukraine;
- SPS procedures applied to imported food products, live animals, non-edible animal products, plants, and other regulated articles (articles regulated to control introduction of pests into Ukraine);
- Resolutions concerning the prohibition of domestic circulation and/or imports or exports of certain kinds of food products, agricultural commodities, and agricultural inputs that may affect food safety or animal health (e.g., feed for commercial animals);
- Procedures and means of declaring areas as free of pests or diseases or with low prevalence of such pests or diseases as well as the procedures for maintaining those areas as such;
- Current instructions, requirements and procedures of plant and veterinary quarantine;
- Current regulations for organizing transit of agricultural products and relevant agricultural inputs through Ukraine; and
- Documents regarding the membership or the participation of Ukraine in relevant international and regional organizations dealing with sanitary and phytosanitary measures as well as documents related to bilateral and multilateral agreements related to these measures.

Upon receipt of an SPS enquiry, the following procedure, summarized in Figure 2, will be implemented:

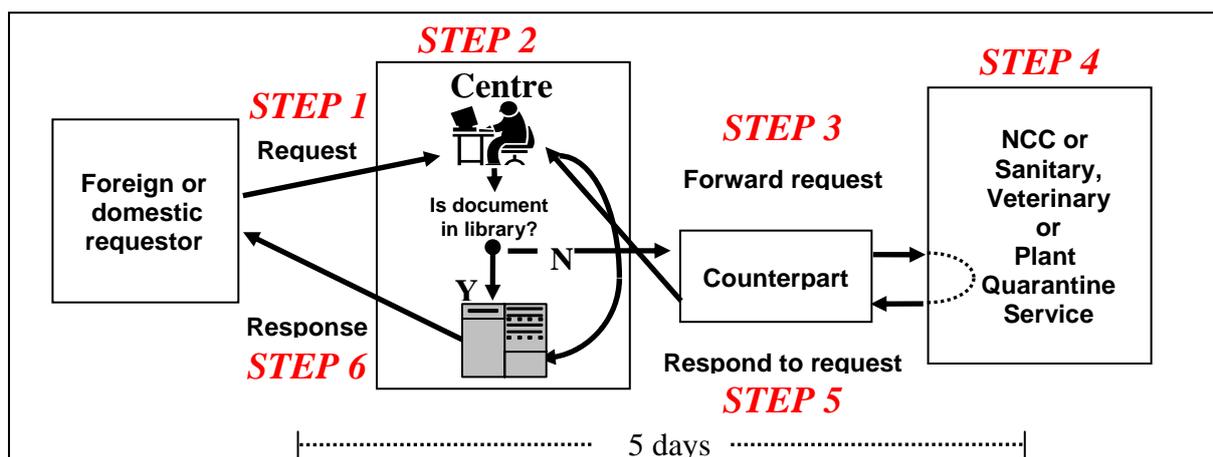
- Enter the request in the SPS Enquiries Registry.
- Consult the list of available documents in the SPS measures library (see below for more information about the library) to determine whether the requested information is readily available.

³ Comments made by WTO Members and other interested parties on draft SPS measures or adopted emergency SPS measures are not included in this section. For procedures to deal with comments, see the sub-section entitled "Dealing with Comments on Proposed or Emergency Measures" in Section III below.

- If the requested information is in the SPS measures library, send it to the requestor immediately and record in the registry the document name(s), date sent and method of transmission.
- If the requested information is not in the SPS measures library, forward the request to the appropriate counterpart in the NCC, Sanitary, Veterinary or Plant Quarantine Service. The counterpart will:
 - Contact the relevant person in the Service to obtain the required information;
 - Review the information obtained to make sure it fully responds to the request for information and, when necessary, request clarification from the information supplier;
 - Send the information to the Centre.
- Upon receipt of the information from the counterpart the Centre staff will:
 - Add the description and other identifying data for the information to the list of available documents in the SPS measures library;
 - If necessary, convert the information to electronic format;
 - Store the information in the library;
 - Send the information to the requestor and record in the registry the document name(s), date sent and method of transmission.

Note that this entire process should not take more than five working days.

Figure 2—Receiving and Responding to SPS Enquiries



THE SPS ENQUIRIES REGISTRY

The SPS Enquiries Registry will be used to ensure a timely response to enquiries by tracking the receipt and forwarding of requests and return of the response to enquiries. The SPS Enquiries Registry must be maintained in electronic format, either in spreadsheet software (e.g., Excel) or data base software (e.g., Access). The information in the registry must be sufficient to identify the request and ensure that the time limitations noted above are met. Elements that should be considered for inclusion in the registry are:

- Date of receipt of enquiry;
- GOU document number (assigned according to standard Government procedures if available);
- If in relation to an outgoing notification, the WTO document number of the notification;
- Enquiry classification (e.g., sanitary measure, veterinary-sanitary measure, phytosanitary measure);
- Relevant counterpart;
- Date request is forwarded to counterpart;
- Date response from counterpart is received;
- Format of response (hard copy, electronic copy);

- Name of document containing the response;
- Standard coded name for the response document (see discussion on coded names for documents in the section on the SPS measures library);
- Location of response document (e.g., SPS measures library, Service, etc.);
- Available translations (e.g., RUS for Russian, ENG for English, etc.);
- Date response is sent to requestor;
- Method of transmitting response to the requestor (e.g., e-mail, fax, post, delivery to local embassy or consulate);
- Date notice of delayed response is sent to the requestor if more than five working days are needed to respond.

As noted in Section I, alternatives to the above or additional data fields may be desirable, especially to ensure compliance of the registry database with any standardized GOU document handling guidelines and procedures. Standards such as these should be used to the extent possible to avoid introduction of a new and unnecessary registry system. It is important, however, to ensure that information in the registry may be used to quickly and efficiently identify requests for which a response has not been received, enabling the Centre to follow up on slow responses.

THE SPS MEASURES LIBRARY

To enable a quick turnaround, the Centre must have all draft and adopted SPS measures on hand in a library. SPS measures (including laws, decrees, regulations, resolutions, instructions, orders and other legal acts), are drafted and/or adopted by the NCC and the Sanitary, Veterinary and Plant Quarantine Services. Therefore, to ensure that the above timelines are met when responding to enquiries, the State regulatory bodies must provide copies of their draft and adopted SPS measures to the Centre for inclusion in the SPS Measures Library (Library). If draft or adopted measures are available in English or other languages, these documents should also be included in the SPS Measures Library.

IMPORTANT

SPS measures may be proposed by non-SPS-regulatory bodies. For example, Parliamentarians may introduce draft laws in the Verkhovna Rada or the Cabinet of Ministers may issue resolutions or other legal acts that are SPS measures. Therefore, Centre staff members must monitor activities at the Verkhovna Rada, Cabinet of Ministers and other state bodies to ensure that SPS measures proposed by such bodies are available to the Centre. In addition, the Centre must ensure that such bodies fulfill WTO notification requirements, allow at least 60 days for comments on proposed measures before finalizing an SPS measure, ensure that comments received from WTO Members are taken into account in the final measure and allow at least six months after adoption before the measure goes into effect (i.e., is enforced).

Documents in the SPS measures library should be in electronic form. Electronic files require far less space for storage than hard copies, can be printed quickly when necessary and, in many cases, are the preferred format for transmission of requested information. Even older documents can be converted to electronic versions using a high quality scanner and Ukrainian optical character recognition (OCR) software. The need for this will be minimal since most SPS measures will be harmonized with international standards and recommendations over the next several years and will therefore be developed in electronic form.

Documents available in the SPS measures library should be stored under file names that allow quick identification of the required document. This usually means some standardized coding is used to name documents. The coding (i.e., naming convention) for document names in the SPS measures library should be as easy to understand as possible and take into account conventions already being used in e-Government applications. Since SPS measures can be classified as sanitary measures (for food products), veterinary-sanitary measures (for animals and nonedible animal products) and phytosanitary measures (for plants and other articles that can carry plant pests), inclusion of “S”, “V” or “P”, for sanitary, veterinary and phytosanitary measures, respectively, at the beginning of file names allows easy classification of documents by subject matter. Addition of a 2-digit code following the letter codes above for the year (e.g., “98”, “00”,

“07”) of issuance of a measure allows sorting of file names by subject matter and year issued. Inclusion of the following code elements, along with others, may be helpful:

- Type of document/legal act—notification, draft, adopted law, implementing regulation for law, order, decree, resolution, etc.;
- Identifying number of the legal act (if included, the numbers must be in the form of the maximum number likely to occur in the library—that is, Law No. 3269-IV should be denoted as “3269-IV” while Order No. 71 as “0071-00”; draft measures should be assigned the number “0000-00” if one has not been assigned by the Verkhovna Rada);
- State body that prepared or issued the act;
- The language of the document in ISO code form (e.g., Ukrainian (UKR), Russian (RUS), English (ENG));
- An indication of the type of commodity or commodities covered by the act (the type identifier should be keyed to FEA (HS) codes);
- The area of application of the measure (e.g., import, export, circulation, production, storage).

Regardless of the naming convention for documents in the SPS Measures Library, a concordance between the coded name and the title of the legal act, its abstract (preamble), keywords and document name will be necessary. The concordance should be maintained in either spreadsheet form (e.g., Excel) or a data base file (e.g., Access) to enable quick searching for specific keywords, titles and other indicators of content.

PUBLISHING SPS MEASURES ON THE INTERNET

The WTO encourages Members to publish their sanitary or phytosanitary measures on the world wide web (internet) to facilitate the supply of documents. If the documents in the SPS Measures Library are published on the internet, requests to the Centre for copies of specific SPS measures may be reduced, depending on the language abilities of those interested in Ukrainian SPS measures. The Centre can publish documents in the SPS Measures Library on its website but it may be more appropriate in the case of draft SPS measures for the documents to be published by the relevant regulatory body. In the latter case, the Centre website must contain links to the specific locations on the websites of the regulatory bodies where such documents may be downloaded.

Note that when SPS measures are published on the internet, the Centre must include such information in the notification to Members.

DECISION NEEDED

An agreement must be reached between the Centre and regulatory bodies regarding the obligation to electronically publish draft SPS measures. Drafts must be published within two working days of completion in the Ukrainian language and, when available, other languages.

TRANSLATIONS OF SPS MEASURES

While the WTO requires SPS notifications in one of the official working languages of the organization, SPS measures themselves are typically in the native language of the Member country. When SPS-related documents are not available in a WTO working language, a developing country Member may request from any developed country Member a translation of the document. The developed country Member is obliged to provide a translation, or in case of voluminous documents, a translation of a summary of the documents, in a WTO working language. Since Ukraine will be entering the WTO as a developed country, this requirement applies.

Since English has been designated as the official working language of Ukraine with respect to WTO matters, SPS measures should always be translated into English. Since SPS measures tend to be fairly technical and also tend to employ the same technical terms, they should be translated using standardized translation guidelines. In particular, use of legal terms that have been defined in laws should be used consistently in other legal acts. In addition, choice of an English word or phrase for a Ukrainian word or phrase should be consistent from document to document. This practice will reduce the number of questions raised by other WTO Members regarding the specific meaning or applicability of a provision in a legal act. Translation guidelines can be compiled gradually as requests for translations are received.

COORDINATION NEEDED

Translations of Ukraine's SPS measures should be based on standardized translation guidelines. The same guidelines must be used by all SPS regulatory bodies and the NCC when preparing translations.

DECISION NEEDED

When so requested by a developing country Member, a translation of Ukrainian SPS measures must be made available in a WTO working language. A decision is needed to determine whether the Centre or the regulatory bodies are responsible for preparing necessary translations.

THE ROLE OF COUNTERPARTS

When requested information is not available in the SPS Measures Library, the request will be forwarded to the appropriate counterpart in a regulatory body. Due to the time constraints on responding to requests for information, requests forwarded to counterparts must be transmitted via e-mail or other electronic communication means and assurance of receipt of the request by the counterpart is necessary. Some e-mail software includes the ability to be informed when the recipient reads e-mail—this feature should be regularly used if available. If this feature is not available, Centre staff members will have to call the counterpart to ensure receipt of the request.

Upon receipt of a request for information from the Centre, the counterpart must determine whether the requested information is immediately available. If it is, the requested information must be promptly transmitted to the Centre. When the information is only available in hard copy, the counterpart must convert it to electronic format using scanning equipment and software prior to sending it to the Centre. If it is not possible to convert the information to electronic format, photocopies of the material must be made and delivered to the Centre (see procedures below).

The counterpart will need to maintain his/her portion of the SPS Enquiries Registry. Data fields listed above that may be changed by counterparts include the date a response is sent to the Centre, the name of the document containing the response and indication of availability of translations. In addition, the following data fields, accessible to counterparts, need to be in the Registry:

- Responsible administrative unit in the regulatory body;
- Date request sent to administrative unit;
- Notice from the administrative unit of delay in responding; and
- Date response received from administrative unit.

OBTAINING INFORMATION FROM TECHNICAL EXPERTS

If requested information is not readily available to the counterpart, the administrative unit in the regulatory body that has the required information must be identified and a request for the information transmitted to the unit supervisor immediately. The request must be accompanied by identifying data to ensure that information supplied in response to the request is sent to the appropriate requestor.

PREPARATION OF NECESSARY INFORMATION BY TECHNICAL EXPERTS

The unit supervisor is responsible for overseeing document procurement, data collection, document preparation or other activities necessary to fulfill the request. The response must be in electronic format unless it is in the form of supplying documents only in hard form and, when possible, in the English language. In addition, the unit supervisor must inform the counterpart as soon as possible if it is not possible to respond to the enquiry within two-three working days. Two working days is the maximum amount of time technical experts have to respond to an enquiry if the document is prepared in Ukrainian and three working days is the maximum when the document is prepared in English. When prepared in Ukrainian, the response document will have to be translated into English (one day) and then the Centre has one day to process the response in order for the total turn around time to be no more than five days. The unit supervisor is also responsible for sending the response to the counterpart after ensuring that the information prepared in response to the enquiry is appropriate and the identifying data noted above are included in the response.

When preparation of information is necessary in order to respond to an SPS enquiry, the response document must contain data enabling identification of the requestor. This means that the identifying data sent to the unit supervisor must be included in a highly visible location in the response document or contained within the name of the document. A standardized template for responses that includes an area to enter identifying data should be prepared by Centre staff. In addition, a document naming convention linking response documents to enquiries will simplify matters for all concerned.

RESPONSE TEMPLATE AND NAMING CONVENTION

Centre staff must prepare a standardized format (template) enabling easy identification of the requestor of the information for use by technical experts preparing responses to SPS enquiries. In addition, a naming convention for response documents should be developed to ease linking of response documents to enquiries.

If the response to the SPS enquiry is available in languages other than Ukrainian, those documents should be sent to the counterpart along with the Ukrainian text. Electronic versions of the files should contain ISO language codes to differentiate the translations from the Ukrainian original.

RECEIPT OF THE RESPONSE BY THE COUNTERPART AND FORWARDING RESPONSES TO THE CENTRE

When the response is completed, it must be given to the counterpart. The counterpart should review the response to make sure it fully responds to the enquiry. It may be necessary to request from the technical expert or unit supervisor clarification of information in the response document.

Responses to SPS enquiries that are available in electronic format must be sent back to the Centre via e-mail. Similar to the case of transmitting requests from the Centre to counterparts, the counterpart must ensure that the Centre receives the e-mail by using notification features of e-mail software or telephoning the Centre to confirm receipt. Responses that are not in electronic format and cannot be converted to electronic format must be hand-delivered (by courier or other means) to the Centre within the response time limits.

If the information required to respond to the enquiry is published on the internet, the website address where the information may be found and downloaded must be sent to the Centre, which can in turn forward it to the requestor. Ideally, the address supplied will take the requestor directly to the precise document. If the document may only be obtained through a series of links or choices on a website, the website address and clear instructions on getting to the precise document must be supplied to the Centre. The counterpart is responsible for ensuring the clarity of such instructions.

SENDING THE RESPONSE TO THE REQUESTOR

WTO guidelines require the use of fax and e-mail facilities to the extent possible when responding to requests for documentation or information from Members. Alternatively, if draft and adopted SPS measures are published on the internet, the requestor can be given the address of the relevant document or links and instructions that enable downloading of the document. Alternatively, the Centre can send the documents by post or via a requesting Member's diplomatic mission in Ukraine.

When responding to requests from foreign parties other than Members—that is, foreign producers, importers, exporters and so on—it is recommended to send a copy of the response, and a list of materials supplied, to the officially notified WTO SPS enquiry point for the country of origin of the foreign party. This supports the efficient functioning of the SPS enquiries system.

RESPONSES TO REQUESTS FOR DOCUMENTS RELATING TO A NOTIFICATION

When the enquiry is related to a notification made by Ukraine regarding a draft or adopted SPS measures, the WTO requires specific handling of the response:

- Documents supplied in response to a request should be identified with the WTO SPS notification number to which the request refers.
- When a translation of a document or summary exists in the language of the requesting Member, or in the WTO working language used by the requesting Member, it should be automatically sent with the original of the document requested.

- When a Member requests a copy of a document relating to a notification in that Member's WTO working language and a translation is not available, the Centre should advise the requesting Member of other Members that have requested a copy of the document.⁴

FEES CHARGED FOR DOCUMENTS SENT IN RESPONSE TO AN SPS ENQUIRY

The WTO SPS Agreement permits the charging of a fee for provision of documents in response to an SPS enquiry. Any fee charged to Members must be the same as for Ukrainian residents plus the cost of delivering the documents. If fees are charged, responses to WTO Members will have to be made prior to receipt of the fees in order to meet the response timeline outlined above. Note that the collection of what are likely to be minimal fees for photocopying, faxing or mailing documents is unlikely to be easy or cost-effective. For this reason the WTO encourages forgoing fees for documents sent to Members. Clearly, when documents are delivered by e-mail or are available on the internet, no fee should be charged.

⁴ This requirement allows the Member seeking a copy of a document relating to a notification to contact other Members in order to determine whether the latter are prepared to share any translation that they have or will be making.

SECTION III: PROCESSING OUTGOING SPS NOTIFICATIONS⁵

As the state entity responsible for sending outgoing notifications to the WTO, the Centre must determine when it is necessary to prepare and submit an SPS notification. It is essential, therefore, that the definition of an SPS measure be understood by Centre staff and by counterparts in regulatory bodies. In Annex A of the Agreement on the Application of Sanitary and Phytosanitary Measures, SPS measures are defined as any measures applied:

To protect	From
Human or animal life	Risks arising from additives, contaminants, toxins or disease-causing organisms in their food
Human life	Plant- or animal-carried diseases (zoonoses)
Animal or plant life	Pests, diseases, or disease-causing organisms
A country	Damage caused by the entry, establishment or spread of pests

The definition is further clarified:

“Sanitary or phytosanitary measures include all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.”

Sanitary and phytosanitary measures taken to protect the health of fish and wild fauna, as well as forests and wild flora, are also included in this definition. Note, however, that this definition does not include:

- Quality standards and quality requirements for food products, animal feeds and other goods;
- Measures to protect human health from hazards that are not food-borne;
- Measures to protect a country from environmental damage.

These measures are technical barriers to trade but not SPS measures because they do not comply with the above definition.

NOTIFICATION OBLIGATIONS

Notification to Members is required for proposed new sanitary and phytosanitary measures or modifications to existing measures when:

- No international standard, guideline or recommendation exists; or
- The content of a proposed SPS measure is not substantially the same as the content of an international standard, guideline or recommendation;

And

- The proposed measure may have a significant effect on trade of other Members.

The concept of "significant effect on trade of other Members" may refer to the effect on trade:

- Of one sanitary or phytosanitary regulation only or of various sanitary or phytosanitary regulations in combination;
- In a specific product, group of products or products in general; and
- Between two or more countries (so strictly bilateral SPS regulations must still be notified if they meet other criteria).

⁵ Much of the information contained in this section is either based on or replicated from *How to Apply the Transparency Provisions of the SPS Agreement: A Handbook prepared by the WTO Secretariat*, September 2002 and WTO document G/SPS/7/Rev.2.

Determining a Significant Effect on Trade

When assessing whether an SPS regulation may have a significant effect on trade, the following, using relevant information that is available, should be taken into account:

- The value or other importance of imports in respect of the importing and/or exporting country (countries) concerned, whether from other countries individually or collectively;
- The potential development of such imports, and;
- Difficulties for producers in other countries to comply with the proposed SPS regulations.

The WTO advises that if there is uncertainty about whether a proposed SPS measure will have a significant effect on international trade, it should be notified for the sake of increased transparency.

Note that this concept includes both import-enhancing and import-reducing effects on trade, as long as such effects are significant. This means that SPS regulations that facilitate trade must also be notified.

SPS notifications must be made when the complete text of a proposed (draft) SPS measure is available and when amendments can still be introduced and comments taken into account. Adopted SPS measures do not need to be notified. This means that SPS measures in force before the date of Ukraine's accession to the WTO do not have to be notified to Members unless they are subsequently changed.

When there is an urgent need for an SPS measure due to circumstances that require immediate action, the emergency SPS measure can be adopted first and then notified to the WTO. In such cases, the notification must be prepared upon adoption of the measure and transmitted to the WTO by the Centre via the counterpart.

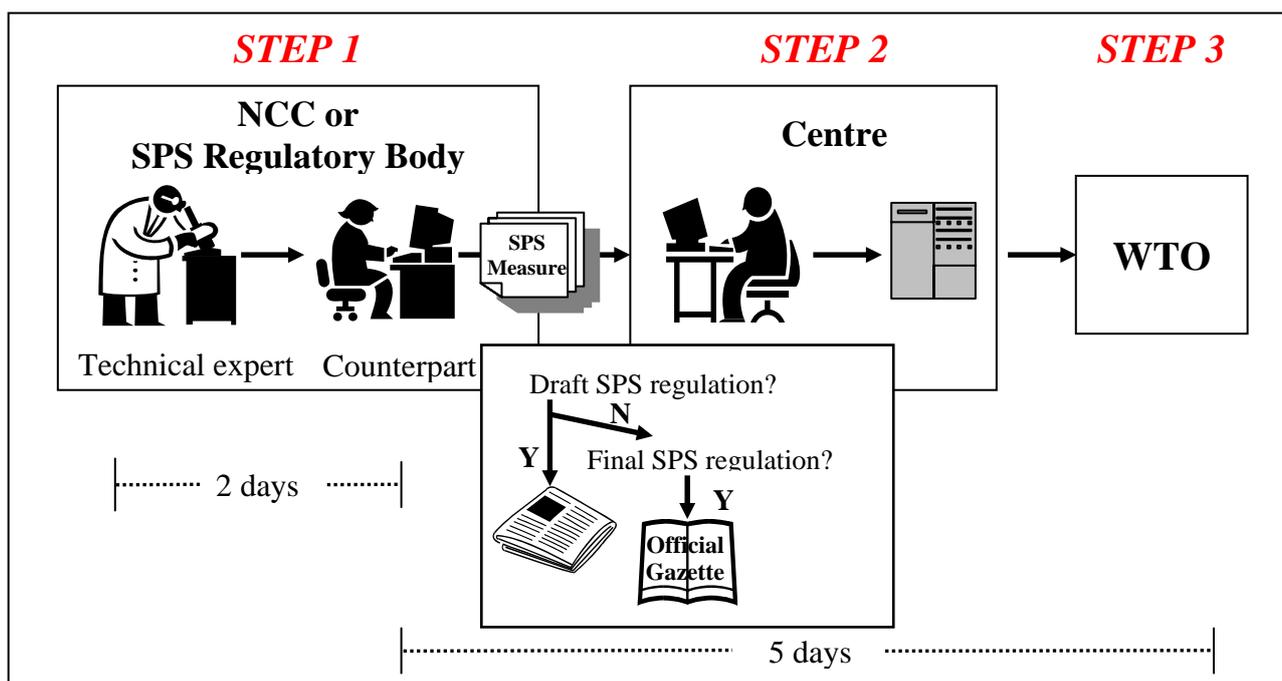
THE NOTIFICATION PROCESS

Proposed (draft) SPS measures, as well as emergency SPS measures, are developed by the NCC and the Sanitary, Veterinary and Plant Quarantine Services. By definition, SPS measures tend to be highly technical and therefore they are drafted by technical experts. SPS notifications include both non-technical and technical information. Since technical information must be included, those parts of the notification should be drafted by a technical expert with assistance, as necessary, from the NCC or Service counterpart.

Although notification of equivalence is not a requirement in the SPS Agreement, in June 2002 the SPS Committee adopted a decision on the subject, the Recommended Procedures for the Notification of Determination of the Recognition of Equivalence of Sanitary and Phytosanitary Measures. Centre staff members will have to monitor activities in the Verkhovna Rada and at the Cabinet of Ministers and counterparts will have to monitor activities in their respective Services to ensure that equivalence agreements are properly notified in a timely manner. The format for equivalence notifications is contained in Section J of Annex A.

The technical expert must give the draft notification and the draft SPS measure to the counterpart within two days of completion of the draft measure. The notification will be reviewed by counterpart who will enter any non-technical information not supplied by the technical expert. The notification must also be reviewed for content required by the WTO and clarity of the description of the purpose for the draft measure. After approving the content of the notification, the counterpart will transmit the draft measure and notification to the Centre. The Centre records receipt of the draft, adds the draft measure to the SPS Enquiries Library, and sends the notification to the WTO (see Figure 3).

Figure 3—Outgoing WTO SPS Notifications



Draft SPS measures should be notified within seven working days of their completion, including two days for preparation and five days for verification of the draft notification, recording, filing and transmission to the WTO. No changes should be made to a draft SPS measure once it has been notified to the WTO unless it is re-notified.

In accordance with the Laws of Ukraine “On the Safety and Quality of Food Products”, “On Veterinary Medicine” and “On Plant Quarantine”, a notice of the availability of a draft SPS measure and solicitation for comments by interested persons must be published in mass media. At the same time, the publication of regulations is a fundamental component of transparency under the SPS Agreement. This is a general obligation on Members, and does not relate specifically to the work of the Centre. In particular, WTO Members are obliged to:

- Ensure that all SPS measures which have been adopted are published promptly in such a manner as to enable interested countries to become acquainted with them. Measures to be published include laws, decrees or ordinances which are applicable generally.
- Except in urgent circumstances, allow six months⁶ between the publication of a sanitary or phytosanitary measure and its entry into force in order to allow time for producers in exporting Members and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing country.

These two legal obligations must be met by either the regulatory body or the Centre.

DECISIONS NEEDED

- Will the Centre or the regulatory body publish notice of availability of a draft SPS measure?
- Will the Centre or the regulatory body publish adopted SPS measures?

PREPARATION OF THE DRAFT NOTIFICATION

The WTO has prepared documents containing notification formats and guidelines for filling out the forms. The content of the document detailing SPS notifications⁷ is reproduced in Annex A. In addition, some

⁶ The original text of the SPS Agreement requires a “reasonable interval” between publication of a measure and its entry into force. A subsequent decision of the WTO defined this interval as six months (see page 7, G/SPS/35, 7 July 2005).

⁷ WTO document G/SPS/7/Rev. 2.

examples of the types of information expected in the notifications are also included in Annex A⁸. Since the WTO instructions are clear, the content of the SPS notifications will not be discussed here. Instead, the roles of the various agents involved in preparing and transmitting the notifications and other organizational aspects of the process of completing outgoing notifications will be discussed.

While technical experts will have to prepare the technical components of an SPS notification, the counterpart has overall responsibility for ensuring that the content of the notification complies with WTO requirements. This means the counterparts in the NCC and regulatory bodies must fully understand how to prepare the notifications. Therefore, training of counterparts by Centre staff members may be necessary.

In addition to training of counterparts, it is highly recommended that Centre staff and the counterparts brief working groups and individuals preparing draft SPS measures on the WTO notification requirement and obligation to consider all comments received from Members. Informational briefings could be given to working groups established to draft SPS measures at initial or very early meetings of the group. In addition, key officials in the Verkhovna Rada and at the Cabinet of Ministers should receive this training. Alternatively, annual seminars⁹ could be provided for NCC sub-committees and relevant administrative units in the Sanitary, Veterinary and Plant Quarantine Services.

TRAINING/SEMINAR NEEDED

Training of counterparts to prepare SPS notifications may be necessary. Informational briefings for technical experts and others with responsibility for developing SPS measures will be necessary to ensure full understanding of WTO notification obligations, including consideration of comments received from Members when finalizing a draft SPS measure.

All SPS notifications and draft SPS measures, as well as adopted SPS measures, must be included in the SPS Measures Library. Therefore, prior to sending the SPS notification to the WTO, the documents must be added to the Library using standardized code names and an entry made in the concordance identifying the documents (see previous Section for more information).

THE ROLE OF COUNTERPARTS

A major responsibility of each counterpart is to proactively monitor activities in their service associated with development of SPS measures. Relevant activities include review of existing SPS measures, formation of working groups to revise existing SPS measures or develop new SPS measures, issuing emergency SPS measures and planning any of the above activities. When new SPS measures are being developed and no international standard, guideline or recommendation exists, the counterpart should identify measures of Members that address the issue for use as a reference document.

When a new or revised SPS measure has been prepared in the respective service, the counterpart is responsible for ensuring that an outgoing notification is prepared and that the measure will not be finalized until completion of a comment period of at least 60 days and consideration of comments. To ensure proper tracking of any comments regarding notified SPS measures that may be received from Members, it is critical that the counterpart ensure that either the Centre or the counterpart are listed in the notification as the authority handling comments. Further, the comment period must be no less than 60 days (see box 12 for routine notifications and box 13 for emergency notifications in the forms in Annex A).

THE OUTGOING NOTIFICATIONS REGISTRY

Prior to transmitting the notification and the SPS measure to the Centre, entry of tracking information about the documents in the Outgoing SPS Notifications Registry is necessary. The purpose of this registry is to facilitate identification of Ukraine's notifications and documents associated with notifications for the purposes of SPS enquiries or receipt of comments on a notified measure. The information added to the registry will link each SPS notification to the specific draft or adopted (emergency) measure being notified

⁸ For more information, see *How to Apply the Transparency Provisions of the SPS Agreement: A Handbook prepared by the WTO Secretariat*, September 2002.

⁹ Annual seminars are likely to be needed due to changes in staff members in relevant administrative units in the regulatory bodies.

and enable follow-up on any comments or enquiries received about the proposed (adopted) SPS measure. And, by including the name of the technical expert that prepared the notification in the registry, a primary contact person for the notified measure is established.

Data fields in the Outgoing SPS Notifications Registry that the counterpart will maintain include:

- GOU document numbers (assigned according to standard Government procedures if available);
- Date of transmission of the notification and draft (adopted) SPS measure to the Centre;
- Available translations (e.g., RUS for Russian, ENG for English, etc.);
- Original name of the notification document;
- Original name of the draft measure document;
- Technical expert preparing the notification.

The file name (document name) contained in the Outgoing SPS Notifications Registry should be an easy to understand name and most frequently will be the name assigned to the documents by the technical expert. When the documents are added to the SPS Measures Library at the Centre, the documents will be stored under coded names (see above section on the Library). Technical experts and other staff members of the relevant Service will not be familiar with the coding requirements for documents in the SPS Measures Library and so maintaining reference to the original name of the document (e.g., BorderMeasuresSeedlings_Draft_030807.doc) instead of the coded document name (e.g., P_07_Dft_0000-00_PQS_HS060290_IMP_UKR.doc) will allow more efficient communication between counterparts and technical experts.

Centre staff will also maintain information about outgoing notifications in the Registry. Data fields in the Outgoing SPS Notifications Registry that the Centre should be able to change include:

- WTO document number for the notification;
- Standardized code name for the notification of the draft SPS measure;
- Standardized code name of the draft SPS measure (the name the measure is stored under in the SPS Measures Library);
- Date the notification is transmitted to the WTO.

Note that the WTO document number of the notification will not be available when the notification is transmitted to the WTO. The Centre will receive a copy of the notification when it is issued by the WTO and at that time the appropriate document number can be entered in the Outgoing SPS Notifications Registry. Inclusion of the WTO document number is important because Members will include this document number in correspondence regarding the notified measure and therefore it will be an essential identifier allowing tracking of enquiries or comments received regarding the proposed measure.

Establishing a line—either manual or automatic—between the Outgoing SPS Notifications Registry and the SPS Enquiries Registry will be necessary. Ideally, after entering information in the SPS Enquiries Registry that references a WTO document number for a Ukrainian notification (i.e., is related to a Ukrainian notification), a small program can be run to generate a report for Centre staff from the Outgoing SPS Notifications Registry identifying the relevant counterpart, GOU document number, available translations, document names and the technical expert that prepared the notification (and therefore is best suited to respond to enquiries about the notification). The generated report is then sent in the e-mail from the Centre to the counterpart.

TRANSLATIONS OF DRAFT SPS MEASURES

As noted above in Section II, Ukraine is obliged to provide, upon request of a developing country Member, a translation in one of the WTO working languages of a notified draft SPS measure or, when the measure is voluminous, a summary of the measure. Since notified draft SPS measures are—by definition—expected to significantly effect the international trade of Members, a request for a translation of proposed measures is likely from a developing country. If translation of the draft measure occurs only following such request, the likelihood that an extension of the comment period will be requested is very high, which delays finalization, adoption and implementation of the measure. Therefore, when an SPS measure is expected to negatively

affect the trade opportunities of Members, standard procedure should include preparation of an English language translation of the notified measure. In contrast, if a draft SPS measure is expected to have a limited effect on the trade opportunities of Members or applies only to a few trading partners, it is advisable to prepare a translation of the draft measure only after receiving a request for such by a developing country Member.

A decision is needed regarding which state bodies—the Centre, the NCC or the regulatory Services—will be responsible for preparing such translations. And, regardless of which state body has responsibility for translation, it is important to ensure consistency in translation through use of standardized translation guidelines.

DEALING WITH COMMENTS ON PROPOSED OR EMERGENCY MEASURES

A prime purpose of notifying proposed regulations is to allow countries that might be affected by them to be consulted during the drafting process. Government authorities that have notified proposed regulations might receive comments on such regulations.

Comments will either go to the Centre or to the relevant counterpart per instructions on the notification form. Regardless of where comments are sent, the Centre—and by extension, the counterpart—is responsible for ensuring that Members concerns are taken into account during the process of preparing the finalized version of the SPS measure. Specifically, when Members make comments on a notified SPS measure, Ukraine has certain obligations to meet. The Centre, counterpart or technical expert should, without further request:

1. Acknowledge the receipt of such comments;
2. Explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;
3. Provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being;
4. Where possible make available to other countries comments and questions it has received and answers it has provided, preferably through electronic facilities.

Responsibility for fulfilling the above obligations must be split between the Centre or the counterpart and technical experts. The Centre or the counterpart—whichever receives comments—will ensure fulfillment of items 1, 3 and 4 above. Note that the information in item 4 can most easily be disseminated by making the relevant documents available on the internet for download by any interested party. The information in item 2 must be supplied by a technical expert, but the counterpart must ensure that this obligation is met.

TRACKING COMMENTS AND THEIR INCORPORATION IN FINALIZED SPS MEASURES

In order to fulfill the above obligations, it will be necessary to track comments and associated responses and other information transmitted to Members. Comments are similar to enquiries in terms of the type of tracking information required. Therefore, the following data fields can be incorporated into the SPS Enquiries Registry or a separate registry for comments on Ukraine's notified measures can be maintained (depending on the recommendation of a database expert). The critical data fields are:

- Date of receipt of comments;
- GOU document number (assigned according to standard Government procedures if available);
- Name of document containing comments;
- WTO document number in response to which the comments are submitted (i.e., WTO document number of the outgoing notification);
- Date acknowledgment of receipt of comments is sent;
- Date a copy of the adopted SPS measure is sent (if applicable);

- Date comments are forwarded to technical experts;
- Name of document containing an explanation of how the comments were taken into account;
- Standard coded name for the response document (see discussion on coded names for documents in the section on the SPS measures library);
- Location of response document (e.g., SPS measures library, Service, etc.);
- Date explanation document is sent to requestor;
- Method of transmitting response to the requestor (e.g., e-mail, fax, post, delivery to local embassy or consulate).

Note that when comments from a Member are forwarded to relevant technical experts, it is extremely important that receipt of the comments is confirmed. The counterpart must follow up with the supervisor of the relevant administrative unit of the technical expert. Second, it is critical that the counterpart ensure (verify and require, when necessary) that an explanation of how the comments were incorporated into the finalized measure be sent in response to comments received from the SPS enquiries or notifications authority of a Member. The counterpart will need sufficient administrative authority within the respective service to fulfill this critical responsibility and the active support and cooperation of supervisors of relevant administrative units.

GRANTING REQUESTS FOR EXTENSION OF COMMENT PERIODS

Members may request extension of the time period allowed for receipt of comments. WTO guidelines state that Members should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members, where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided.

In order to implement the above WTO guideline regarding granting of an extension of the comment period for a notified SPS measure, it is recommended that a standard procedure be adopted and followed. The first request from any Member for an extension of the comment period should be automatically granted. Upon extending the comment period, an addendum (which is designed to notify Members of changes in the status of a notified SPS regulation) to the original SPS notification must be submitted to the WTO.

Instructions on preparing the addenda are contained in Section F of Annex A. Upon completion of the addenda, it must be entered in the Outgoing SPS Notifications Registry and the relevant counterpart notified of the comment period extension. The counterpart must then notify the relevant technical expert and/or working group that prepared the draft SPS measure. The extension of the comment period means that the draft SPS measure cannot be finalized for at least 30 days longer than originally planned.

The extension of the comment period beyond 30 days should be decided upon a case-by-case basis. If a notification has generated a large volume of comments, it is likely there is significant interest in the measure and therefore a further extension of the comment period may be warranted. If the request for an additional extension is received from a developing country Member or, especially, a least developed country Member, the request should probably be granted. The decision on further extension of the comment period must be made by the Centre, taking into account the obligations of Ukraine to the WTO and the difference that an additional 30 day delay in finalizing, adopting and implementing the draft SPS measure would make to protecting human, animal or plant health and life.

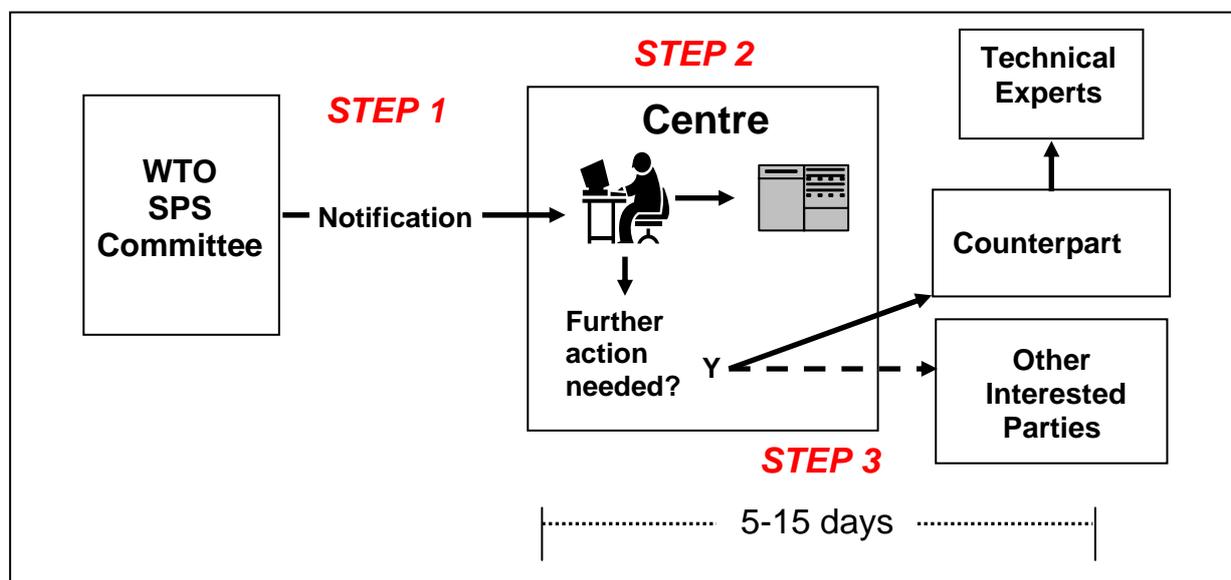
SECTION IV: PROCESSING INCOMING SPS NOTIFICATIONS

Between January 1, 1995 and mid-March 1999, a total of 1,100 SPS notifications had been submitted by WTO Members, equivalent to an average of 22 notifications per month. In 2006 alone, Members submitted 913 SPS notifications—an average of 76 per month. There is no reason to expect a decline in the number of notifications in the future. Therefore, it is expected that the Centre will have a significant volume of incoming SPS notifications to process each month.

Incoming SPS notifications are critically important for Ukraine’s export opportunities. They provide early insight into trends and new issues in the protection of human, animal and plant health and life. International trade related SPS issues that are affecting one WTO Member will ultimately affect all WTO members since food-borne health hazards, animal diseases, and plant pests do not respect international borders. Ukraine’s exporters and SPS regulatory bodies must be aware of what hazards are likely to disrupt international trade flows.

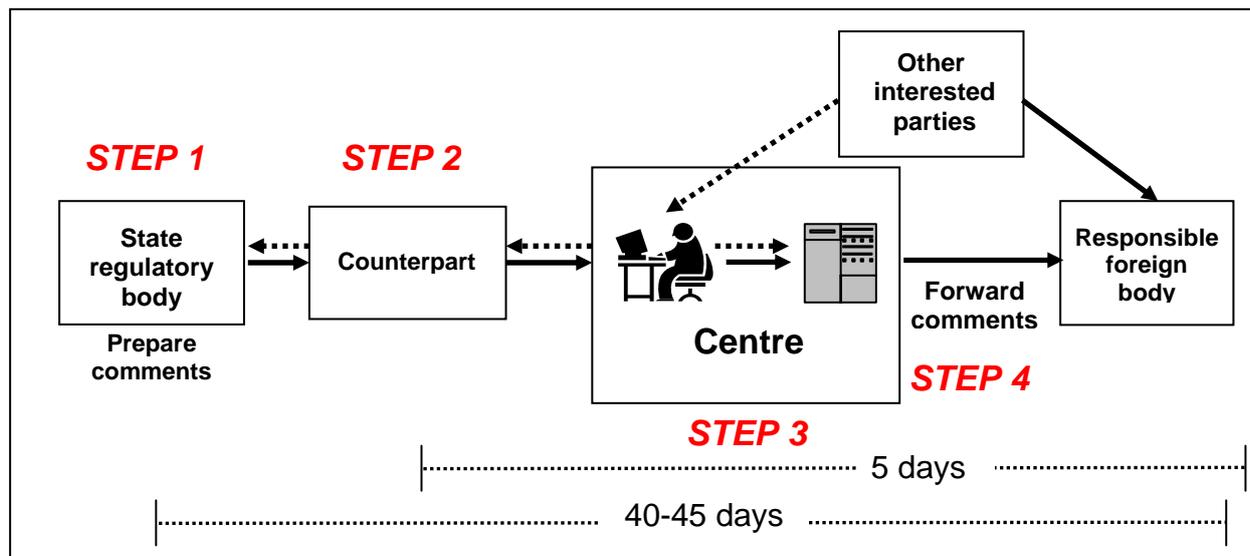
To benefit the most from WTO membership, when an SPS notification arrives (electronically) at the Centre, it needs to be registered, filed, and assessed to determine whether further action is necessary. If the notified measure applies to a commodity that Ukraine does not produce or export, its relevance and importance to Ukraine is minimal. On the other hand, if the notified measure applies to sunflowerseed oil, wheat or vodka—significant export commodities of Ukraine—export revenue could be significantly affected. To protect Ukraine’s international trade interests, Centre staff members need to identify notifications for which further assessment is required, obtain copies of the proposed SPS measures when the topic is likely to invoke comments from state or private sector representatives in Ukraine, translate the measures into Ukrainian if necessary and forward copies of the notification and proposed measure to interested parties and technical experts at the SPS regulatory bodies (see Figure 4). The time frame within which this must be done is 5 to 15 days, with the latter applying in those cases when the draft SPS measure of the notifying Member must be translated into Ukrainian.

Figure 4—Incoming SPS Notifications



The forwarding of incoming SPS notifications to state technical experts occurs electronically through counterparts, who must determine the appropriate administrative unit in their Service to review the notification and draft measure. The technical experts must review the notifications, prepare comments on the proposed measure when warranted and send the comments to the Centre through their respective counterpart. The Centre will then forward the comments to the appropriate state body in the notifying Member country (see Figure 5). Note that the time frame within which this process should be completed is 40-45 days assuming a normal comment period of 60 days.

Figure 5—Preparing and Forwarding Comments on Incoming SPS Notifications



The sharing of incoming notifications with other interested Ukrainian parties (i.e., the private sector) is very important. Their full involvement in the assessment of incoming notifications and trade impact on Ukraine requires interest on their part. The next Section of this document proposes an action plan to increase participation of the Ukrainian private sector in assessing and commenting on incoming SPS notifications.

When interested parties are forwarded incoming notifications, those parties wishing to comment on the proposed SPS measure can send their comments directly to the appropriate state body in the notifying Member's country. However, the SPS Agreement does not require that comments received from any party other than the SPS notification point in Member countries be given consideration when finalizing proposed measures. Therefore, to ensure that private sector comments are given appropriate consideration by the foreign state body, the comments must be sent to the Centre—the SPS notification point—which in turn sends them to the appropriate body in the notifying Member country. Alternatively, private sector comments can be added to the comments prepared by state officials and a single document sent as the official response of Ukraine.

THE INCOMING SPS NOTIFICATIONS REGISTRY

When an incoming SPS notification is received by the Centre, the document must be recorded in the Incoming SPS Notifications Registry. The purpose of the registry is to identify notifications and track the forwarding of notifications for comment. The registry may also be used to identify SPS measures of other Members to assist working groups preparing Ukrainian SPS measures when relevant international standards are either not available or not suitable. With these purposes in mind, the registry should include the following basic data fields:

- Date of receipt of the notification;
- GOU document number (assigned according to standard Government procedures if available);
- WTO document number;
- Notification classification (e.g., sanitary measure, veterinary-sanitary measure, phytosanitary measure, other);
- Commodities affected by the draft measure (according to FEA or HS codes, box 3 of the notification form);
- The area of application of the measure (e.g., import, export, circulation, production, storage);
- Relevant counterpart;
- Assessment document number used to determine whether to forward the notification and/or the notified measure to state technical experts and other interested parties (see following section for more information on the assessment);

- Further assessment decision (Y=forward for assessment/comment; N=do not forward for assessment/comments);
- Date comments must be received by the Centre for forwarding to the appropriate foreign state body (a minimum of five days before the end of the comment period).

The basic data above must be supplemented by tracking information when the assessment of the notification results in a decision to pursue further assessment of the proposed measure. Since not all notifications will require further assessment, the following data fields could be in a sub-level data base which is accessed (activated) when the further assessment decision is “Y”. Fields that are needed in this sub-set include:

- Date of request of the draft measure;
- Date the draft measure is received by the Centre;
- Name of the draft measure document;
- Date translation of the draft measure to Ukrainian is completed (if applicable);
- Name of the translated version of the draft measure document;
- Date on which the notification, assessment document and draft SPS measure is forwarded to the relevant counterpart and interested parties;
- Interested parties to which the notification and/or draft SPS measure is forwarded (multiple entries are probable);
- Date comments from the state technical experts are received from the relevant counterpart;
- Name of the document containing comments from the state technical experts;
- GOU document number (if assigned) for above document containing comments from the state technical experts;
- Date comments prepared by state technical experts are forwarded to the responsible foreign state body;
- Interested parties submitting comments (may require multiple data fields);
- Date comments received from interested party (may require multiple data fields);
- Name of the document containing comments from interested parties (may require multiple data fields or may be included in the comments from state technical experts);
- Date comments prepared by interested parties are forwarded to the responsible foreign state body (may require multiple data fields);
- Date response to the comments by state technical experts from the responsible foreign state body is received (if requested when the comments were submitted);
- Name of response document for state technical experts (if applicable);
- Date response document for state technical experts is forwarded to the counterpart (if applicable);
- Date response to the comments by interested parties from the responsible foreign state body is received (if applicable; may require multiple data fields);
- Name of response document for interested parties (if applicable; may require multiple data fields);
- Date response document for interested parties is forwarded (if applicable; may require multiple data fields).

A database expert will be necessary to provide guidance on structuring the Incoming SPS Notifications Registry and identifying means of simplifying the data requirements. The correctly structured database will allow the Centre to answer numerous questions such as:

- Which notified SPS measures forwarded for further assessment/comment by state technical experts have not yet been assessed or comments prepared?
- Which interested parties have submitted comments on draft SPS measures in the last 12 months?

- Which draft SPS measures contain mandatory safety parameters for pesticide residues?
- Which Members have implemented emergency SPS measures for animal health concerns in the last 12 months?

Answers to these and other questions will help the Centre perform its duties and provide information to state regulatory bodies and interested parties on trends and developments in international SPS issues. The latter is important for the refinement of Ukraine's SPS measures and ensuring introduction of the use of state of the art protection of human, animal and plant health and life.

ASSESSING INCOMING NOTIFICATIONS FOR FURTHER ACTION

After entering the basic information above in the Incoming SPS Notifications Registry, Centre staff must examine the information provided in the notification to determine whether the proposed SPS measure will have a significant effect on Ukraine's trade opportunities. The United States Trade Policy Staff Committee (TPSC) has published a set of questions developed to elicit information on foreign trade measures that may be inconsistent with the provisions of the SPS Agreement. These questions, which were developed by a subcommittee of the TPSC which focuses on issues related to the WTO SPS Agreement, are used by the TPSC in collecting and organizing information for analysis and for prioritizing potential U.S. Government action on trade barriers raised by sanitary or phytosanitary measures that appear to be inconsistent with the SPS Agreement.

The TPSC document noted above was analyzed used as the basis for a decision document for use by the Centre (see Annex B). The first part of the evaluation document contains questions to determine whether further action is needed with regard to a specific SPS notification. In addition to the notification, information on current agricultural and food product exports of Ukraine must be readily available to complete the questionnaire and information on any prior comments by Ukraine regarding the purpose and intent of the draft measure is needed. The latter can be obtained from the Incoming SPS Notifications Registry. The average value of exports of agricultural and food products at the 6-digit FEA (HS) level during 2004-2006 is shown in Annex C. The data are sorted on the average value from highest to lowest.

The answers to the questions in the first part of the questionnaire identify, among other things, the country imposing the measure, the affected commodities, the reason for the measure, foreign markets (i.e., countries, territories or regions) affected by the measure, Ukrainian export products likely to be affected and an estimate of lost export earnings that would result from application of the proposed measure. The decision to pursue further action is positive when:

- The affected products are exported by Ukraine; AND
- The products will be subject to restrictions due to the animal health or pest status or food product safety requirements of Ukraine; AND
- Ukraine's export volume will be significantly reduced by the SPS measure; AND
- The current or expected value of Ukraine's exports of the affected products is significant.

Note that determining whether Ukraine's export volume will be significantly affected by an SPS measure is often difficult. Many governments employ the services of economists to analyze the possible impacts of a proposed SPS measure and develop estimates of the expected impact. Depending on the staffing level of the Centre, economic assessment may not be possible. In those cases, technical experts or private sector exporters may be able to provide an estimate of the impact on export volume. Alternatively, some general guidelines for estimating the impact can be prepared by an economist for use by Centre staff members. Regardless of the means of obtaining the estimate, it is essential that some estimate be obtained, even if it can only be estimated in terms of "low", "medium" or "high".

When preliminary assessment of the impact on Ukraine is positive and further assessment of the notified measure is needed, the Centre must immediately request a copy of the draft SPS measure from the authority identified in the notification. The assistance of the official Ukrainian mission (embassy, consulate) in procuring the draft SPS measure and having it translated should be standard operating procedure. Implementation of such procedure may require a decree or instruction from the Cabinet of Ministers to ensure that document procurement requests from the Centre are given sufficient priority at the mission. If the mission is unable to translate the material, perhaps because of the technical nature of the document,

the Centre will have to arrange for translation. Note that the translation must be obtained in the shortest possible time period to ensure there is sufficient time for review and comment on the measure.

The completed preliminary assessment document should be stored with the incoming SPS notifications using file names that link the assessment to specific WTO document numbers. If the notified draft measure is sent forward to technical experts, the assessment document needs to be forwarded as well. The technical expert can review the responses to the first part and respond to the questions in the second part of the assessment, which are designed to identify specific elements in the proposed SPS measure that do not comply with the requirements of the SPS Agreement. The responses to the questions can be used by the technical expert as an outline for preparing comments on the draft.

MAKING INCOMING NOTIFICATIONS AVAILABLE TO OTHER INTERESTED PARTIES

While not all of Ukraine's other interested parties will have access to e-mail or the internet, electronic means will be the standard from of informing interested parties of new SPS notifications. Therefore, new SPS notifications and availability of proposed SPS measures from previous notifications should be identified on the Centre's web site with a link that permits downloading of the available documents. Record should be kept of the parties downloading notifications (obtained by requiring a valid e-mail address and name during a one-time registration subject to an appropriate privacy policy) to gauge interest in the proposed measure. The records can also be used to follow up on interest in a notification by sending e-mail to registered users of the system when the draft SPS measure becomes available, to remind users of the amount of time left in the comment period, to solicit comments by a specified date and so on.

Some private sector parties will have an interest in reviewing all incoming SPS notifications. Others will be interested only when the conclusion of the preliminary assessment of the impact of the proposed measure on Ukraine's trade prospects is positive. Some will be interested in reviewing the proposed measure only if it is available in the Ukrainian language. Others will be interested only in specific commodities or commodity groups or in the measure from specific countries. Registered users could be given the option of specifying the types of notifications they are interested in according to type (food safety, animal health, plant health), commodity groups (using FEA (HS) codes), notifying country, etc. The Centre can then send (automatically generated) e-mails to interested parties informing them of specific notifications and draft measures they may be interested in reviewing.

For those private sector parties that do not have access to e-mail or the internet, a mailed weekly newsletter listing new notifications and newly available draft SPS measures will allow such parties to be informed on a timely basis. Copies of material of interest can then be requested by post or, preferably, by telephone or fax. Any of these parties wishing to comment on a proposed SPS measure must be reminded to submit their comments early to the Centre when sending by post in order to allow review of submitted comments and meet the comment period deadline.

THE ROLE OF COUNTERPARTS IN PROCESSING INCOMING SPS NOTIFICATIONS

Counterparts in the regulatory bodies will receive forwarded notifications, the assessment document for the notification and the draft SPS measure. Similar to the case with SPS enquiries, the counterpart is responsible for identifying the administrative unit in the regulatory body that is best suited for evaluating the draft SPS measure. The documents noted above must be transmitted to the unit supervisor who is responsible for overseeing the timely assessment of the draft measure and preparation of comments within a 40-45 day period as well as the quality of the comments. Upon approval of the comments, the unit supervisor will forward the comments and completed assessment document to the counterpart. The counterpart will, in turn, transmit the material to the Centre after recording tracking information in the Incoming SPS Notifications Registry.

COMMENTS PREPARED BY OTHER INTERESTED PARTIES

When receiving comments regarding an incoming notification prepared by other interested Ukrainian parties, Centre staff must review the comments to determine whether they should be added to the official GOU response. In many cases, private sector parties will have unique insight into problems that may arise due to a proposed SPS measure. To make the most of the private sector's participation, the Centre may need to work with other interested parties to clarify their concerns and ensure that their concerns are

incorporated in the GOU response. Consistent inclusion of private sector concerns in the GOU response will strengthen and encourage broader participation in the partnership between the private sector and the government.

SECTION V: AN ACTION PLAN FOR PRIVATE SECTOR INVOLVEMENT IN EVALUATING INCOMING SPS NOTIFICATIONS

Ukraine's private sector will reap the benefits WTO membership by having more opportunities to export goods, being able to import critical inputs at lower cost and increasing their competitiveness. An unfortunate reality is that for agricultural and food products, however, opportunities are limited by the application of SPS measures. When SPS measures are unjustly imposed or are unnecessarily burdensome, the gains to the private sector are limited or may even be eliminated. Private sector innovators in the agricultural and food products industries will understand the potential benefits and the costs of new SPS measures imposed by trading partners. But, many private sector participants will not understand. Therefore, the private sector needs to be prompted, encouraged and goaded to participate in review of incoming notifications for SPS measures.

Private sector participants in the agricultural and food product industries in Ukraine do not have a history of proactively working with government on regulatory issues. With new SPS and technical regulation legislation in place, the private sector has been invited to the table. It is now time to issue personalized invitations to those private sector participants most likely to come to the table.

In many countries, agricultural and food policy, including relevant international trade policy, is formulated on the basis of cooperation between the government and private sector. For example, in the United States, a private sector advisory system has been established with great success in terms of participation by the private sector. The system is described as follows¹⁰:

“The Agricultural Policy Advisory Committee (APAC) for Trade and six Agricultural Technical Advisory Committees (ATACs) for Trade¹¹ are a formal mechanism to ensure ongoing liaison between the federal [U.S.] government and the private sector regarding agricultural trade issues. The committees are jointly chartered by the Secretary of Agriculture and the United States Trade Representative...

The APAC and the ATACs consult with, advise and make recommendations to the Secretary and to the U.S. Trade Representative on a wide range of agricultural trade issues. The committees provide information and advice on U.S. negotiating objectives and bargaining positions before the United States enters into trade agreements; on the operation of existing trade agreements; and on other matters related to the development, implementation, and administration of U.S. agricultural trade policy.

The APAC and ATACs were established to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. ... The current private sector trade advisory system consists of almost 40 committees, arranged in three tiers: The President's Advisory Committee on Trade and Policy Negotiations (ACTPN); seven policy advisory committees, including the APAC; and more than 30 technical advisory committees, including the six ATACs. The Departments of Commerce and Labor also administer policy and technical or sectoral committees.

Members of the APAC and ATACs are appointed to the advisory committees by, and serve at the discretion of, the Secretary of Agriculture and the U.S. Trade Representative. ... The advisory committees must represent a balance between varied interests. All members must have demonstrated leadership qualities. ATAC members must have commodity expertise, and knowledge of the effects that various trade barriers—or the lack of barriers—can have on the commodities they represent. All members should be recognized leaders in their fields, and be able to defend those interests fully and professionally.

¹⁰ United States Department of Agriculture, Foreign Agriculture Service, Fact Sheet: Agricultural Advisory Committees for Trade, February 2006, available on the FAS website at: <http://www.fas.usda.gov/admin/apac-atacs/advisorycommittees.pdf>.

¹¹ The technical advisory committees deal with specific commodity groups: animals and animal products; fruits and vegetables; grains, feed and oilseeds; processed foods; sweeteners and sweetener products; and tobacco, cotton, peanuts and planting seeds.

Due to the sensitive nature of the issues discussed, committee meetings are generally closed to the public and all members are required to hold a confidential security clearance. The committees meet, on average, three times per year, but meetings may be called more often. Committee members serve at their own expense, are not compensated for their services, and do not receive per diem or travel funds.”

The private sector advisory system in the United States and other countries is critical to maintaining support for agricultural and food trade policy established by the government. The advisory system assures the private sector that their concerns will be addressed and that the government understands that trade policy reform is to increase their opportunities. This contributes positively to the involvement of the private sector in, among other trade-related activities, evaluation of SPS notifications.

The political history of Ukraine, which was tied to a command economy, left little room for developing private sector-government partnerships. The fairly recent advent of market economics, coupled with slow reform of state institutions and policies, has not yet led many in the private sector to conclude that government acts in their behalf. It may be time, therefore, to invite the private sector to take on an advisory role in agricultural and trade policy. Establishment of an agricultural trade advisory committee is timely since upon membership in the WTO, Ukraine will have to negotiate the Doha Round of reforms in agricultural and food product trade. Therefore, it is strongly recommended that a legal basis for a private sector advisory system be established and implemented, and that the system be used as a basis from which to increase private sector participation in evaluation of trade barriers affecting agricultural and food products.

RECOMMENDATION

Submit to the Verkhovna Rada legislation to establish a private sector advisory system for agricultural and food product trade. It may be desirable for the system to encompass general trade policy and additional sectors.

UKRAINE'S AGRICULTURAL AND FOOD PRODUCTS EXPORTS

SPS measures adopted and implemented by other Members of the WTO will have a direct impact on exports of agricultural and food products. Producers of agricultural and food products that are subsequently exported will also be affected. To identify private sector participants that face the greatest risk to their opportunities, it is necessary to examine Ukraine's export profile. When primary export commodities are identified, private sector participants can be more directly identified and then provided sufficient information to understand the benefits and returns to their participation in the evaluation of foreign countries' proposed SPS measures.

Ukraine's agricultural and food product exports are fairly concentrated with more than 85 percent of the average value of such exports during 2004-2006 falling into nine FEA (HS) chapters:

- 10 (cereals);
- 15 (fats and oils);
- 04 (dairy, eggs, honey);
- 22 (beverages);
- 18 (cocoa);
- 12 (oilseeds and miscellaneous field crops);
- 23 (food waste; animal feed);
- 02 (meat); and
- 20 (preserved food products).

Export earnings from these products averaged US\$3.6 billion during 2004-2006, rising at an astounding rate of 16.9 percent per annum, from US\$2.9 billion in 2004 to \$3.9 billion in 2006.

When looking more closely at agricultural and food product export data, it becomes clear that there are only 22 types of products that account for the bulk of exports (see Table I). The products can be correlated with sectors within the domestic food industry as follows:

- Oilseed refiners (vegetable oil extractors);
- Chocolate and candy producers;
- Alcohol, liquor and malt beer producers;
- Cheese producers;
- Producers of concentrated or sweetened milk and cream, including powdered milk;
- Non-processed cheese producers;
- Producers of baked goods, biscuits, etc.;
- Cigar and cigarette producers;
- Fruit juice producers; and
- Butter producers.

Exporters of cereals, oilseeds, legumes, vegetable oils, oilcake, walnuts, frozen fruits and bovine carcasses are also likely candidates for participating in the evaluation of incoming SPS notifications.

Table I: Major Agricultural and Food Product Export Commodities, 2004-2006

HS Cod	Description	Export value, Million US\$				Share of Total ¹ (%)	
		2004	2005	2006	Average 2004-06	Average 2004-06	Cumulati ve share
1512	Sunflower, Safflower, Cottonseed Oil, No Ch Mod	528.5	545.8	922.4	665.5	16.0	16.0
1001	Wheat And Meslin	288.9	652.3	595.8	512.3	12.3	28.3
1003	Barley	370.9	444.8	566.2	460.6	11.1	39.3
0406	Cheese And Curd	217.5	320.2	144.2	227.3	5.5	44.8
1806	Chocolate & Other Food Products Containing Cocoa	194.7	225.8	248.8	223.1	5.4	50.2
1005	Corn (Maize)	169.0	269.3	177.1	205.1	4.9	55.1
2208	Hard Liquors; Spirit Beverages	131.7	246.0	199.4	192.4	4.6	59.7
0402	Milk And Cream, Concentrated Or Sweetened	154.7	168.1	152.6	158.5	3.8	63.5
2306	Oilcake Etc Nesoi, From Veg Fats & Oils Nesoi	131.3	95.0	124.0	116.8	2.8	66.3
0202	Meat Of Bovine Animals, Frozen	165.2	142.8	27.2	111.7	2.7	69.0
1905	Bread, Pastry, Cakes Etc; Comm Wafers, Emp Caps Etc	70.1	81.5	93.7	81.8	2.0	71.0
1704	Sugar Confection (Incl White Chocolate), No Cocoa	62.5	71.8	79.5	71.2	1.7	72.7
2203	Beer Made From Malt	59.7	67.7	81.6	69.7	1.7	74.3
1205	Rape Or Colza Seeds, Whether Or Not Broken	19.0	44.3	140.2	67.8	1.6	76.0
2402	Cigars, Cigarettes Etc., Of Tobacco Or Substitutes	52.0	68.8	69.6	63.5	1.5	77.5
2009	Fruit Juice Nt Frtfd W Vit/Mnl Veg Juice No Spirit	44.0	65.6	69.5	59.7	1.4	78.9
1206	Sunflower Seeds, Whether Or Not Broken	98.3	10.0	58.2	55.5	1.3	80.3
0802	Nuts Nesoi, Fresh Or Dried	26.4	48.0	69.9	48.1	1.2	81.4
0811	Fruit & Nuts (Raw Or Cooked By Steam Etc), Frozen	26.0	42.6	71.4	46.6	1.1	82.5
2207	Ethyl Alcohol, Undenat, Nun80% Alc; Alcohol, Denat	37.6	41.6	60.4	46.5	1.1	83.7
0405	Butter And Other Fats And Oils Derived From Milk	62.7	43.9	23.3	43.3	1.0	84.7
0713	Leguminous Vegetables, Dried Shelled	25.9	26.4	58.5	36.9	0.9	85.6

¹ Share of the total value of agricultural and food product exports (FEA/HS chapters 01-24).

IDENTIFYING POTENTIAL INTERESTED PARTIES

Bovine carcass exports from Ukraine fell sharply in 2006. This drop in exports is an example of the significance of what may be arbitrary trade restrictions disguised as SPS restrictions that were applied to Ukraine. In July 2006, Russia imposed an import ban on bovine meat from Ukraine. The purported reason for the ban is failure of Ukraine to implement sufficient veterinary controls over imported meat products (including transshipped products). Russia has also imposed a ban on imports of dairy products from Ukraine due to “poor product quality and lack of sanitary and veterinary controls in Ukrainian dairy processing facilities”. These bans eliminated an estimated US\$400 million in potential export revenue in 2006.

The cost of the ban on dairy and bovine carcass exports from Ukraine to Russian is significant and ultimately affected agricultural support policy for milk and milk products. As such, this case provides an excellent example of the potential impact of a change in SPS measures (and also pinpoints areas where changes in Ukrainian SPS measures may be needed). When SPS measures of foreign markets are revised, it may be difficult for exporters to meet the new requirements especially if they are significantly different from the previous ones. In those cases, implementation of the SPS measure can have the same effect as a ban on imports from Ukraine. When import bans cost Ukrainian exporters hundreds of millions of dollars, they should be active participants in assessing proposed changes in foreign SPS measures.

There is one side of Ukraine's agricultural and food product export profile that the government may not be knowledgeable: lack of exports due to existing SPS measures in foreign countries. Ukrainian exporters, and perhaps producers, will have insight into this issue. When these types of problems are identified, Ukraine can, upon membership, work in the SPS Committee to change unjustified SPS measures. This is another strong incentive for the private sector to involve themselves in evaluation of SPS measures.

To identify prospective private sector partners, the Centre must identify producer associations, exporter associations, large manufacturers and multinationals which participate in the agricultural and food product sub-sectors identified above. Centre staff must meet with representatives from the associations, large manufacturers and multinationals to gauge their understanding of the implications of changes in foreign SPS measures and their ideas on how to make the process of reviewing and commenting on proposed measures efficient. It is important to be open to any and all ideas presented by the private sector to demonstrate the commitment of the Centre to developing a mutually beneficial long term partnership.

Multinationals operating in Ukraine are likely to have significant knowledge of agricultural and food product trade problems. Multinationals are also likely to have significant experience working with governments to improve trade opportunities. The same is also perhaps true of Ukraine's major exporters, especially of the commodities identified in the previous section. Therefore, multinationals and major exporting companies should be targeted for assistance in SPS evaluations.

CULTIVATING SPECIFIC PRIVATE SECTOR PARTNERS

The apparent disinterest of the private sector in being involved in the review and assessment of SPS measures proposed by trading partners is most likely due to lack of information. As noted previously, the prior political and economic system of Ukraine was not responsive to the private sector. Today, the private sector must take a leadership role in formulating foreign trade policy. The private sector needs to be told that their concerns will drive policy, that policy will no longer drive them.

To increase private sector participation in evaluating SPS measures of trading partners, the Centre will have to conduct an advertising campaign. The advertising campaign must be conducted in print and live, in the form of seminars and briefings. The campaign must be conducted first on a general level and then targeted toward the groups identified above. And, when possible, the campaign should be implemented with private sector parties.

BROCHURES

Producing and circulating brochures is an easy way to spread general information about the Centre, the WTO, handling of trade barriers and to promote active participation by the private sector in assessing trade barriers. Brochures that include general information about the WTO, WTO membership and the WTO Information Centre should be mailed to members of the national and local chambers of commerce. Targeted brochures should be sent to members of associations of producers and exporters (and to importers to encourage their participation in the development of Ukraine's SPS measures). Targeted brochures could introduce topics like:

- What does WTO membership mean for food product producers?
- What are SPS measures and how do they affect your business?
- What global food safety concerns and trends affect the (specific) industry?
- Making the most of new exporting (importing) opportunities
- WTO Information Centre: How can it help you?
- What are SPS notifications? Why are they important?

Brochures targeted at specific industries identified above should, to the extent possible, include information related to SPS notifications. For example, SPS notifications issued over the past five-ten years can be extracted from the WTO documents online search facility and reviewed to identify health protection trends applicable to the industries. It would also be useful to include an example of a proposed SPS measure applicable to the specific industry that was significantly revised upon adoption or not adopted at all due to comments from other Members.

SEMINARS

Centre staff members and counterparts should present seminars for the members and staff of the national and local chambers of commerce, associations of food producers, associations of exporters and other similar organizations. Seminars should become progressively more detailed and specific to SPS notifications but begin with an introduction to the WTO and why Ukraine is joining the WTO. Presentation of the seminars should occur over four-six months at scheduled meetings of the chambers or associations or similar opportunities.

Training the staff of the national and local chambers of commerce to present the seminars will allow broader dissemination of information. In addition, training staff, especially from the local chambers of commerce, in the operations of the SPS enquiries and notifications system will provide a local resource for agricultural and food product producers to turn to when they are ready to increase their understanding of the importance of SPS measures.

BRIEFINGS

The Centre should schedule meetings with multinationals, major exporters and major food product producers to brief them about the SPS enquiries and notifications system and request their participation in the review process. If the multinationals, major exporters and major food product producers agree to participate, they will set an example for other producers and exporters. Participants from these companies should be included in the seminars to explain how they participate in the system and why they participate.

A broad-based partnership between the private sector and the government cannot be established immediately but will be established over time. Partnerships require trust and so the Centre and other state officials must work to earn the trust of the private sector. Ultimately, profit maximizing food product producers, exporters and even importers will participate fully in the system because it does affect their financial performance. That is a strong incentive to work together.

ANNEX A: WTO GUIDELINES ON PREPARING SPS NOTIFICATIONS

Transparency in the context of the World Trade Organization (WTO) is used to signify one of the fundamental principles of its agreements: the aim is to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. In implementing this concept Members use notifications. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect their trading partners¹². Transparency under the SPS Agreement also includes answering reasonable questions, and publishing regulations.

RECOMMENDED NOTIFICATION PROCEDURES

Members should follow these procedures when notifying regulations as required in paragraphs 5 or 6 of Annex B (of the SPS Agreement). The form for routine notifications (Section H below) should be used for notifications in accordance with paragraph 5 of Annex B, whereas the form for emergency notifications (Section I below) should be used for notifications as provided for in paragraph 6 of Annex B.

A. APPLICATION OF ANNEX B, PARAGRAPH 5 (PREAMBULAR PART) OF THE SPS AGREEMENT

For the purposes of Annex B, paragraphs 5 and 6 in the SPS Agreement, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- of one sanitary or phytosanitary regulation only or of various sanitary or phytosanitary regulations in combination;
- in a specific product, group of products or products in general; and
- between two or more Members.

When assessing whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should take into consideration, using relevant information which is available, such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential development of such imports, and difficulties for producers in other Members, particularly in developing country Members, to comply with the proposed sanitary or phytosanitary regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

B. TIMING OF NOTIFICATIONS

When implementing the provisions of paragraph 5 of Annex B, a notification should be made when a draft with the complete text of a proposed regulation is available and when amendments can still be introduced and comments taken into account. Members shall normally allow a period of at least sixty days for comments.

A notification shall be made well before the entry into force of the relevant measure, except when urgent problems of health protection arise or threaten to arise for the Member concerned. Any regulation brought into force in urgent circumstances must be notified immediately and a rationale for the urgent action provided.

The late notification of a measure already in force does not in and of itself constitute sufficient reason for the use of the emergency format. When urgent problems of health protection are not involved, late notifications should be made using the regular format and consideration should still be given to all comments received.

C. REQUESTING DOCUMENTS RELATED TO A NOTIFICATION

¹² The SPS Agreement uses the terms 'measures' and 'regulations' somewhat interchangeably when referring to any sanitary or phytosanitary measure such as laws, decrees, or ordinances applied to protect human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement.

Members requesting documents related to a notification should provide all the elements permitting the identification of the documents, and in particular the WTO SPS notification number to which the requests refer.

When requesting an electronic transmission of documents from another Member, Members should indicate which electronic formats they are able to receive, including compatible versions.

D. PROVIDING DOCUMENTS RELATED TO A NOTIFICATION

ADDRESS OF BODY SUPPLYING THE DOCUMENTS

Members should indicate under point 12 of the WTO notification format the full address of the body responsible for supplying the relevant documents if that body is not the notification authority or the enquiry point.

RESPONDING TO REQUESTS

Documents requested should normally be provided within five working days. If this is not possible, the request for documentation or information should be acknowledged within that period and an estimate given of the time required to provide the requested documentation.

Documents supplied in response to a request should be identified with the WTO SPS notification number to which the request refers.

Members should use fax and e-mail facilities to the extent possible in responding to requests for documentation or information. Members are encouraged to publish their sanitary or phytosanitary measures on the world wide web, to facilitate the supply of documents.

ACKNOWLEDGING RECEIPT OF DOCUMENTS

The Member requesting documents relating to a notification should acknowledge receipt of the documents provided.

TRANSLATION OF DOCUMENTS

When a translation of a relevant document exists or is planned, this fact should be indicated on the WTO notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available should be similarly indicated.

If a translation of a document or summary exists in the language of the requesting Member, or, as the case may be, in the WTO working language used by the requesting Member, it should be automatically sent with the original of the document requested.

Where documents are not available in a WTO working language, developed country Members shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the documents, in a WTO working language.

When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, the notifying Member should advise the requesting Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may contact other Members in order to determine whether the latter are prepared to share any translation that they have or will be making.

Any Member possessing an unofficial translation of a document relating to a notification should inform the notifying Member of the existence of the unofficial translation and is encouraged to make it available to other interested Members, through electronic facilities where appropriate. In doing so, the Member should clearly indicate the unofficial and non-committal nature of the translation.

E. HANDLING OF COMMENTS ON NOTIFICATIONS

Each Member should notify the WTO Secretariat of the authority or agency (e.g. its notification authority) which it has designated to be in charge of handling comments received, and of any change and/or modification of such authority or agency.

Members submitting comments on a notified draft regulation should provide them without unnecessary delay to the authority designated to handle the comments, or to the national notification authority if no other designation is made.

A Member receiving comments through the designated body should, without further request:

- (i) acknowledge the receipt of such comments;
- (ii) explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;
- (iii) provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being;
- (iv) where possible make available to other Members comments and questions it has received and answers it has provided, preferably through electronic facilities.

Members should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members, where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided.

F. ADDENDA, CORRIGENDA AND REVISIONS

Members, in addition to their original notifications, can also provide supplementary information in three different forms.

An addendum is used to provide additional information or changes to an original notification. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal.

A corrigendum is used to correct an error in an original notification such as an incorrect address detail.

A revision is used to replace an existing notification.

Any addendum or corrigendum should be read in conjunction with the original notification.

ADDENDA

Members should notify changes in the status of a notified SPS regulation. The issuance of an addendum allows Members to track the status of an SPS regulation via its unique notification number. Addenda to SPS notifications should be made in a number of circumstances, such as:

- when a proposed regulation is either adopted or comes into force. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal.
- if a proposed regulation is withdrawn;
- if a regulation is revoked;
- if the comment period has been extended;
- if the period of application of the existing notification is extended;
- if the scope of application of the existing notification is reduced, either in terms of Members affected or products covered. Such a change may warrant the extension of the comment period.

An addendum should:

- briefly recap what was notified, when and what it was about - this is a practical requirement, and reduces the need for Members to have to go back to the original notification to check what it was about;
- specify what change has been made and why - briefly state why the information, dates, etc have been changed; and
- restate the comments deadline, even if it has not been changed - as a reminder to Members that if they wish to comment it must be done by this date.

A form for making an addendum is available in section H for routine notifications and section I for notifications of emergency measures.

CORRIGENDA

Members should inform the Secretariat of any error(s) contained in their original notification. The Secretariat will issue a corrigendum accordingly.

A form for making a corrigendum is available in section H for routine notifications and section I for notifications of emergency measures.

REVISIONS

Revisions replace an existing notification. Revisions should be submitted, for example, when the scope of application of a notified regulation is extended, either in terms of Members affected or products covered, or if a notification contained a large number of errors which necessitated issuing a revision. A Member should provide a further period for comments on the revised notification, normally 60 days.

A form for making a revision is available in section H for routine notifications and section I for notifications of emergency measures.

G. REGULATIONS THAT CONTAIN BOTH SPS AND TBT MEASURES

When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under SPS Agreement (e.g. a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements).

H. COMPLETION OF FORMATS - ROUTINE NOTIFICATIONS (ANNEX B, PARAGRAPH 5)

Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
5. Title, language and number of pages of the notified document	Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation exists of the whole document, or a translated summary of

Item	Description
	the document exists, indicate this here.
6. Description of content	<p>A summary of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply.</p> <p>When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.</p>
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.
8. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation and give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standards, guideline or recommendation exists, put a cross in the box 'none'.
9. Relevant documents and language(s) in which these are available	<p>Documents referenced here are different from those listed in box 5. Documents which should be referenced include:</p> <p>(a) Publication where notice of the proposed regulation appears, including date and reference numbers;</p> <p>(b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;</p> <p>(c) Publication in which proposal will appear when adopted.</p> <p>If it is necessary to charge for documents supplied, the amount of the charge should be indicated.</p>
10. Proposed date of adoption	The date when the sanitary or phytosanitary regulation is expected to be adopted.
11. Proposed date of entry into force	The date from which the requirements in the regulation are proposed or decided to enter into force. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members.
12. Final date for comments and agency or authority handling comments	<p>The date by which Members may submit comments in accordance with Annex B, Paragraph 5(b) of the SPS Agreement. A specific date should be indicated. A Member shall normally allow a period of at least sixty days for comment. Any Member which is able to provide a time limit beyond sixty days is encouraged to do so.</p> <p>The agency or authority which has been designated to handle the comments should be indicated. If this is the national notification authority or the national enquiry point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address.</p>

Item	Description
	For proposed measures which facilitate trade, Members may reduce or eliminate the period for receiving comments.
13. Texts available from	If available from the national notification authority or the enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement. World wide web address of document notified, if available.

EXAMPLES OF INFORMATION IN A ROUTINE NOTIFICATION FORM

Box I - Routine notification form	
Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification. <u>Example:</u> Canada
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation. <u>Example:</u> Department of Health
3. Products covered	Use clear definitions to aid understanding of the notification by country officials and translators. Avoid abbreviations. <u>Example:</u> Fresh fruit and vegetables, ornamental, fruit-bearing and forest plants Tariff item should be provided, using the Harmonized System, where possible, at least to chapter level. <u>Example:</u> Frozen/chilled de-boned beef (HS Nos. 0201 30, 0202 30)
4. Regions or countries likely to be affected	Identify the geographical regions or countries likely to be affected, to the extent relevant or practicable. Where possible, list the countries affected. Otherwise use suitable wording such as "any countries exporting the commodities to Thailand", or "all countries susceptible to bluetongue". <u>Example:</u> State of California, United States
5. Title, language and number of pages of the notified document	This item must contain the title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation, the number of pages in the notified document, and the languages in which it is available. If a translation exists of the whole document, or a translated summary of the document, indicate this here. <u>Example 1:</u> Department of Agriculture (DA) Memorandum Order No. 18, series of 1999: SGS Inspection of Buffalo Meat Export from India to the Philippines (2 pages). <u>Example 2:</u> (Draft) Regulations Governing the Tolerances for Certain Seeds in Certain Agricultural Products. Government Notice No. R.1202 dated 15 October 1999 (3 pages). Available in English and French.
6. Description of content	Summarize the SPS regulation clearly, indicating its health protection objective and content. Describe the species or products and countries affected, the status quo and significance of the proposed changes. Where practicable also include an outline of the specific sanitary measures the regulation will impose. To the extent possible, describe the likely effects on trade. The summary should be as complete and accurate as possible to allow full understanding of the proposed regulation. Write clearly and without abbreviations. You could specify the exact risks, e.g. "to protect Australian horses from the entry, establishment or spread of equine influenza". When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.

Box I - Routine notification form	
Item	Description
	<p>Example 1: Limits the number of seeds of <i>Argemone mexicana</i>, <i>Convolvulus</i> spp, <i>Crotolaria</i> spp, <i>Datura</i> spp, <i>Ipomoea purpurea</i>, <i>Lolium temulentum</i>, <i>Ricinus communis</i> or <i>Xanthium</i> spp. to 1 seed per 10 kg of each of the mentioned agricultural products. Soya beans may contain 3 seeds per 10 kg (excluding soya beans intended for consumption by infants or young children). Does not apply to an agricultural product that will undergo sifting to reduce the number of poisonous seeds or that is intended for animal consumption.</p> <p>Example 2: The Pest Management Regulatory Agency (PMRA) of Health Canada has recently approved an application to amend the registration of ethylene-bisdithiocarbamate fungicides in order to allow their use on endives and to establish safe handling procedures for this fungicide.</p> <p>SPS element: This proposed regulatory amendment would establish an MRL for residues of ethylene-bisdithiocarbamate fungicides resulting from this use in endives, in order to permit the sale of food containing these residues. After the review of all available data, the PMRA has determined that an MRL for ethylene-bisdithiocarbamate fungicides of 7 p.p.m. in endives would not pose an unacceptable health risk to the public.</p> <p>TBT element: The proposed regulatory amendments also establish safe handling guidelines to prevent health risks from domestic or international transportation and handling.</p> <p>Example 3: The Animal and Plant Health Inspection Service (APHIS) is establishing regulations for the importation into the United States of gypsy moth host materials from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. These regulations require trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment to meet specified certification or destination requirements if they are intended to be moved into or through areas of the United States that are not infested with gypsy moth.</p>
7. Objective and rationale	<p>Put a cross in the relevant box. SPS measures must belong to one of these categories (and can fit into more than one).</p> <p><input checked="" type="checkbox"/> Food safety if the measure is to protect human life or health from:</p> <ul style="list-style-type: none"> ▪ risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs. <p>Take particular care that food safety measures fit these very specific criteria. They must be to protect against health risks, and not merely set compositional standards. They must also deal with one of the four categories of health risk (additives, contaminants, toxins or disease-causing organisms). Note that contaminants include pesticide and veterinary drug residues and extraneous matter. Food safety measures involving labelling, quality or nutrition may also (or alternatively) require notification under the TBT Agreement.</p> <p><input checked="" type="checkbox"/> Animal health if the measure is to protect animal life or health, including fish and wild fauna, from:</p> <ul style="list-style-type: none"> ▪ risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; or ▪ risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs. <p><input checked="" type="checkbox"/> Plant protection if the measure is to protect plant life or health, including fish and wild fauna, from:</p> <ul style="list-style-type: none"> ▪ risks arising from the entry, establishment or spread of pests (including weeds), diseases, disease-carrying organisms or disease-causing organisms. <p><input checked="" type="checkbox"/> Protect humans from animal/plant pest or disease if the</p>

Box I - Routine notification form	
Item	Description
	<p>measure is to protect human life or health from:</p> <ul style="list-style-type: none"> ▪ risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests. <p>[X] Prevent territory from other damage from pests if the measure is to protect from:</p> <ul style="list-style-type: none"> ▪ other damage from pests, including weeds <p>This could for example be relevant to plants that pose a problem by their invasiveness or weediness, but may not necessarily spread a disease.</p>
8. Existence of international standard, guideline or recommendation	<p>If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation. Give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standard, guideline or recommendation exists, put a cross in the box 'none'.</p> <p>Example: The current Codex standard for histamine levels is applicable only to certain species of fish. The proposed Australia/New Zealand standard restricts histamine levels in all fish.</p>
9. Relevant documents and language(s) in which these are available	<p>Several different types of publications can be referenced here. Publications which you should reference are:</p> <p>(a) Publication where notice of the proposed regulation appears, including date and reference numbers;</p> <p>(b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;</p> <p>(c) Publication in which proposal will appear when adopted;</p> <p>If it is necessary to charge for documents supplied, the amount of the charge should be indicated.</p> <p><u>Example 1:</u> Official Journal No.3, February 1999 (in Albanian).</p> <p><u>Example 2:</u> Resolution No. 30 of the Ministry of Agriculture, Livestock, Fisheries and Food of 18 September 1998 (6 pages, in Spanish. Summary in English available upon request). Charge: 2 USD per copy.</p> <p><u>Example 3:</u> Framework Directive on materials and articles intended to come into contact with foodstuffs (89/109/EEC, O.J. No L349 – 13 February 1990 p.2b).</p>
10. Proposed date of adoption	<p>The date when the sanitary or phytosanitary regulation is expected to be adopted (or approved); when no more changes will be made to the text of the measure.</p> <p><u>Example 1:</u> 2 February 2000</p> <p><u>Example 2:</u> Anticipated early 2000</p> <p><u>Example 3:</u> When the final regulations are published in the Government Gazette. This will not be before 1 April 2000.</p>

Box I - Routine notification form	
Item	Description
11. Proposed date of entry into force	<p>The date from which the requirements in the regulation are proposed or decided to enter into force. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members. In the Decision on Implementation-Related Issues and Concerns (WT/MIN/(01)/17) taken on 14 November 2001 at the Fourth Ministerial Conference in Doha Qatar, it was decided that this "longer time-period for compliance" shall be understood to mean normally a period of not less than 6 months. Furthermore, where the appropriate level of sanitary and phytosanitary protection does not allow scope for the phased introduction of a new measure, but specific problems are identified by a Member, the Member applying the measure shall upon request enter into consultations with the country with a view to finding a mutually satisfactory solution to the problem while continuing to achieve the importing Member's appropriate level of protection.</p> <p><u>Examples 1:</u> To be determined.</p> <p><u>Example 2:</u> On publication of the final regulations in the Government Gazette. This will not be before 1 April 2000.</p>
12. Final date for comments and agency or authority handling comments	<p>The day by which other countries may submit comments should normally be at least 60 days after the notification is distributed by the WTO. Give a specific date.</p> <p>Give a specific contact for receipt of comments. This can be the notification authority or enquiry point, or another agency which is actually handling the comments on this notification. Give the full address, including fax number in international format, and email address.</p> <p>For proposed measures which facilitate trade, Members may reduce or eliminate the period for receiving comments.</p> <p><u>Example 1:</u> 15 January 2000 Director: Food Control Department of Health Private Bag X828 Pretoria 0001 South Africa Tel: +(27 12) 312 0185 Fax: +(27 12) 326 4374 E-mail: ventert@hltrsa.pwv.gov.za</p> <p><u>Example 2:</u> The domestic closing date for comments is 17 November 1999. However comments from Members will be accepted until 17 December 1999 if notice of intention to comment is received by the domestic closing date.</p> <p>Agency or authority designated to handle comments: <input checked="" type="checkbox"/> National notification authority,...</p>
13. Texts available from	<p>If available from the notification authority or the enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address.</p> <p>Give the precise Internet address of this document if available.</p> <p><u>Example 1:</u> Texts available from: ... , <input checked="" type="checkbox"/> National enquiry ... Also available on Internet: "http://www.maf.govt.nz/SPS/index.htm"</p> <p><u>Example 2:</u> Ms Doris Chan Principal Trade Officer Trade Department Trade Department Tower 700 Nathan Road Hong Kong, China Fax: (852) 2789 2491</p>

WORLD TRADE**ORGANIZATION****G/SPS/N/COUNTRY/**

date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):
4.	Regions or countries likely to be affected, to the extent relevant or practicable:
5.	Title, language and number of pages of the notified document:
6.	Description of content:
7.	Objective and rationale: [...] food safety, [...] animal health, [] plant protection, [...] protect humans from animal/plant pest or disease, [...] protect territory from other damage from pests
8.	International standard, guideline or recommendation: [...] Codex Alimentarius Commission, [...] Office International des Epizooties, [...] International Plant Protection Convention, [...] None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
9.	Relevant documents and language(s) in which these are available:
10.	Proposed date of adoption:
11.	Proposed date of entry into force:
12.	Final date for comments: Agency or authority designated to handle comments: [...] National notification authority, [...] National enquiry point, or address, fax number and E-mail address (if available) of other body:
13.	Texts available from: [] National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body:

WORLD TRADE

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date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Addendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

**WORLD TRADE
ORGANIZATION**

G/SPS/N/COUNTRY/##/Corr.#
date of distribution
(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Corrigendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

I. COMPLETION OF FORMATS - EMERGENCY NOTIFICATIONS (ANNEX B, PARAGRAPH 6)

Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
5. Title, language and number of pages of the notified document	Title of the proposed or adopted sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation exists of the whole document, or a translated summary of the document exists, indicate this here.
6. Description of content	A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.
8. Nature of urgent problem(s) and reason for urgent action	Indication of the underlying reasons for resorting to emergency action.
9. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation and give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standards, guideline or recommendation exists, put a cross in the box 'none'.
10. Relevant documents and language(s) in which these are available	Documents referenced here are different to those listed in box 5. Documents which should be referenced include: (a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (b) Publication in which regulation will appear; If it is necessary to charge for documents supplied, the amount of the charge should be indicated.

Item	Description
11. Date of entry into force and period of application	The date from which the requirements entered into force, and, if applicable, the period of time during which they will apply. (For example: immediate entry into force [date], duration of two months.)
12. Agency or authority handling comments	The agency or authority which has been designated to handle the comments should be indicated. If this is the national notification authority or the national enquiry point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address.
13. Texts available from	If available from the national notification authority or enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement. World wide web address of document notified, if available.

EXAMPLES OF INFORMATION IN AN EMERGENCY NOTIFICATION

Box 2 – Emergency notification form	
Item	Description¹³
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Use clear definitions to aid understanding of the notification by country officials and translators. Avoid abbreviations. Tariff item should be provided, using the Harmonized System, where possible, at least to chapter level.
4. Regions or countries likely to be affected	Identify the geographical regions or countries likely to be affected, to the extent relevant or practicable. Where possible, list the countries affected. Otherwise use suitable wording such as “any countries exporting the commodities to Thailand”, or “all countries susceptible to bluetongue”.
5. Title, language and number of pages of the notified document	This item must contain the title of the sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation exists of the whole document, or a translated summary of the document, indicate this here.
6. Description of content	Summarize the SPS regulation clearly, indicating its health protection objective and content. Describe the species or products and countries affected, the status quo and significance of the proposed changes. Where practicable also include an outline of the specific sanitary measures the regulation will impose. To the extent possible, describe the likely effects on trade. The summary should be as complete and accurate as possible to allow full understanding of the proposed regulation. Write clearly and without abbreviations. You could specify the exact risks, e.g. “to protect Australian horses from the entry, establishment or spread of equine influenza”. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement

¹³ For examples on how to fill the notification form see shaded boxes in routine form except for Items 7 and 10 in the emergency format.

Box 2 – Emergency notification form	
Item	Description¹³
7. Objective and rationale	<p>Put a cross in the relevant box. SPS measures must belong to one of these categories (and can fit into more than one).</p> <p><input checked="" type="checkbox"/> Food safety if the measure is to protect human life or health from: risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs.</p> <p>Take particular care that food safety measures fit these very specific criteria. They must be to protect against health risks, and not merely set compositional standards. They must also deal with one of the four categories of health risk (additives, contaminants, toxins or disease-causing organisms). Note that contaminants include pesticide and veterinary drug residues and extraneous matter. Food safety measures involving labelling or nutrition may also (or alternatively) require notification under the TBT Agreement.</p> <p><input checked="" type="checkbox"/> Animal health if the measure is to protect animal life or health, including fish and wild fauna, from:</p> <p>risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; or</p> <p>risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs.</p> <p><input checked="" type="checkbox"/> Plant protection if the measure is to protect plant life or health, including forests and wild flora, from:</p> <p>risks arising from the entry, establishment or spread of pests (including weeds), diseases, disease-carrying organisms or disease-causing organisms.</p> <p><input checked="" type="checkbox"/> Protect humans from animal/plant pest or disease if the measure is to protect human life or health from:</p> <p>risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests.</p> <p><input checked="" type="checkbox"/> Prevent territory from other damage from pests if the measure is to protect from:</p> <p>other damage from pests, including weeds.</p> <p>This could for example be relevant to plants that pose a problem by their invasiveness or weediness, but may not necessarily spread a disease.</p>
8. Nature of urgent problem(s)	<p>Indicate the reason (s) for resorting to emergency action (e.g., animal disease outbreak with suspected links to imports).</p> <p><u>Example 1:</u> Emergency measures to preserve plants and protect them against the harm caused by the Mealy bug <i>Maconellicoccus hirsutus</i> (Green).</p> <p><u>Example 2:</u> Findings of higher content of arsenic in poultry meat.</p> <p><u>Example 3:</u> The Colombian Agricultural Institute - ICA (the official phytosanitary protection body of Colombia) has declared the presence of Thrips palmi karny on its territory and other unidentified species of thrips, but without identifying the areas affected, the areas unaffected or the quarantine measures taken to control and/or eradicate the problem.</p>
9. Existence of international standard, guideline or recommendation	<p>If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation. Give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standards, guideline or recommendation exists, put a cross in the box 'none'.</p>
10. Relevant documents and language(s) in which these are available	<p>Documents which should be referenced include:</p> <p>(a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;</p> <p>(b) Publication in which regulation will appear;</p> <p>If it is necessary to charge for documents supplied, the amount of the charge should</p>

Box 2 – Emergency notification form	
Item	Description¹³
	be indicated.
11. Date of entry into force and period of application	<p>The date from which the requirements in the measure entered into force, and, the period of time during which they will apply. (For example: immediate entry into force [date], duration [of two months] or [to be decided].)</p> <p><u>Example 1:</u> This interim rule was effective 23 August 1999.</p> <p><u>Example 2:</u> Entry into force on the day of signing by the Director-General of Health and in all other cases when notified in the Gazette (15 June 1999) and will remain in force for a period not exceeding 6 months unless revoked earlier.</p>
12. Agency or authority handling comments	Give a specific contact for receipt of comments. This can be the notification authority or enquiry point, or another agency which is actually handling the comments on this notification. Give the full address, including fax number in international format, and email address.
13. Texts available from	<p>If available from the notification authority or enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address.</p> <p>Give the precise Internet address of this document if available.</p>

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date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):
4.	Regions or countries likely to be affected, to the extent relevant or practicable:
5.	Title, language and number of pages of the notified document:
6.	Description of content:
7.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
8.	Nature of the urgent problem(s) and reason for urgent action:
9.	International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
10.	Relevant documents and language(s) in which these are available:
11.	Date of entry into force/period of application (as applicable):
12.	Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
13.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

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Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Revision

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):
4.	Regions or countries likely to be affected, to the extent relevant or practicable:
5.	Title, language and number of pages of the notified document:
6.	Description of content:
7.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
8.	Nature of the urgent problem(s) and reason for urgent action:
9.	International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
10.	Relevant documents and language(s) in which these are available:
11.	Date of entry into force/period of application (as applicable):
12.	Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
13.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

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Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Addendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

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Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Corrigendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

J. NOTIFICATION OF EQUIVALENCE AGREEMENTS**Notification of Equivalence**

Although notification of equivalence is not a requirement in the SPS Agreement, in June 2002 the SPS Committee adopted a decision on the subject, the Recommended Procedures for the Notification of Determination of the Recognition of Equivalence of Sanitary and Phytosanitary Measures. This decision, including a format for equivalence notifications, is contained in Annex D.

According to these recommended procedures, when a country has made a determination recognizing an SPS measure of another country as equivalent, it should make a notification of the measures that have been recognized, and of the products affected. When significant changes are made to an existing equivalence arrangement, these should also be notified, including suspension or rescission of such arrangements.

For notification purposes, equivalence is defined to be "the state wherein sanitary or phytosanitary measures applied in an exporting country, though different from the measures applied in an importing country, achieve, as demonstrated by the exporting country and recognized by the importing country, the importing country's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis."

Box 7 - Equivalence notification form	
Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification. <u>Example:</u> Chile
2. Title of the text stating determination of the recognition of equivalence	Title of any formal or informal agreement, Memorandum of Understanding or other document establishing the determination of recognition of equivalence. <u>Example:</u> "Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in animals and animal products"
3. Parties involved	Name of the exporting Member or Members whose measure has been determined to be equivalent. <u>Example:</u> Bolivia and Peru
4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations	Date from which procedures, regulations or other measures based on the determination of recognition of equivalence took effect. <u>Example:</u> 21 July 2002
5. Products covered	Use clear definitions to aid understanding of the notification by country officials and translators. Avoid abbreviations. <u>Example:</u> Cooked and frozen crustaceans, mollusks Tariff item should be provided, using the Harmonized System, where possible, at least to chapter level. <u>Example:</u> Frozen/chilled de-boned beef (HS Nos. 0201 30, 0202 30) from Canada
6. Brief description of the measure(s) recognized to be equivalent	Clearly indicate the nature of the recognition of equivalence, including which measure(s) of the exporting Member have been determined to be equivalent and which elements of the importing Member's usual requirements are met by these equivalent measures.

Box 7 - Equivalence notification form	
Item	Description
	<u>Example:</u> The agreement permits imports of certain hard cheese manufactured from unpasteurized milk in accordance with an agreed protocol. The regulation requires that milk and milk products used for cheese production be pasteurized.
7. Further information available from:	<p>The agency or authority from which an interested Member may request further information regarding the specific determination of equivalence being notified. If this is the National Enquiry Point, check the box provided. If available from another body, give its address, fax number and (if available) E-mail address. Provide the world wide web address of the document, if available.</p> <p><u>Example:</u> Director: Food Control Department of Health Private Bag X828 Pretoria 0001 South Africa Tel: +(27 12) 312 0185 Fax: +(27 12) 326 4374 E-mail: ventert@hltrsa.pwv.gov.za</p>

K. COMPLETED NOTIFICATIONS

Notifications should be sent by fax, e-mail or air mail from the national notification authority to the central registry of notifications (CRN) at the WTO. The address is:

Central Registry of Notifications
 World Trade Organization
 Rue de Lausanne 154
 1211 Geneva 21
 Switzerland
 Fax: (+41 22) 739 5638
 e-mail: crn@wto.org

Members are not required to send the legal texts of the proposed regulation that is being notified.

ANNEX B: FORMS FOR EVALUATING INCOMING WTO SPS NOTIFICATIONS

EVALUATION OF INCOMING SPS NOTIFICATIONS

For each incoming notification, an evaluation of the importance of the notification to Ukraine's export opportunities should be made. The evaluation suggested below consists of two parts. The first part (Preliminary Assessment of SPS Notifications: Need for Further Action) is designed to determine whether the notification must be brought to the attention of technical experts. If the preliminary assessment suggests that Ukraine's export opportunities will be harmed by the proposed/adopted SPS measure, further assessment should be made by technical experts. In that case, the notification and evaluation document should be forwarded to the appropriate counterpart with indication of the date by which a response from the technical expert is needed.

WTO Document No. Date received Assessor

PRELIMINARY ASSESSMENT OF SPS NOTIFICATIONS: NEED FOR FURTHER ACTION		
Question		Response
I	Description of the SPS measure	
	1. What country is imposing an SPS measure?	
	2. What product or commodity is affected? (FEA(HS) code/brief description)	
	3. What claim (e.g., health, safety, etc.) is being made as the reason for its measure?	
	4. Which foreign government agencies are responsible for developing, implementing and enforcing the measure?	
	5. When is the draft measure being finalized? OR When was the measure adopted, publicized and implemented?	
	6. Has this issue been brought to the attention of the SPS regulatory bodies before? If so, what was the date of the previous communication and to what regulatory body?	
II	Market Impact	
	1. Which foreign markets (i.e., countries, territories, regions) are affected by this measure?	
	2. Which Ukraine export products are affected? Please provide as detailed a description as possible, including FEA (HS) codes (if known). Consider effects taking into account the animal disease and plant pest status of Ukraine and food product standards.	

PRELIMINARY ASSESSMENT OF SPS NOTIFICATIONS: NEED FOR FURTHER ACTION

Question		Response
3.	What other countries' imports of products into the country taking the measure are (might be) impacted by this measure? That is, what other countries might have similar concerns as Ukraine regarding the proposed SPS measure?	
4.	What is the approximate value of the actual lost export earnings resulting from the application of this measure? (or) The estimate of lost export earnings which would result if the proposed measure were implemented?	
a)	What is the approximate value of Ukraine exports of the affected products to the affected markets in recent years?	
b)	What is the approximate value of all Ukraine exports of the affected products to the world in recent years?	
c)	If there is no trade because of the measure (import bans, etc.), what is your estimate of potential market value if the current restriction were removed?	

Further action is needed if:

- The affected products are exported by Ukraine AND
- The products will be subject to restrictions due to the animal health or pest status or food product standards of Ukraine AND
- Ukraine's export volume will be significantly reduced by the SPS measure AND
- The current or expected value of Ukraine's exports of the affected products is significant.

For further action:

Forward to Registry No. Response needed by
 (date) (counterpart)

EVALUATION OF A NOTIFIED SPS MEASURE BY A TECHNICAL EXPERT

The SPS measure summarized in the attached SPS notification is expected to negatively affect Ukraine's export opportunities. Review by a technical expert is necessary to determine whether the proposed/adopted SPS measure complies with the SPS Agreement.

Registry No. Dated received Counterpart
 Date response needed Technical expert Return to
 Affected commodity/commodities
 WTO Document No. Date received Assessor

FURTHER ACTION NEEDED: EVALUATION OF NOTIFIED SPS MEASURE

Question		Response
III.	Health Objective of the Measure	
	1.	Has the government applying the measure identified that it is doing so to protect human, animal or plant life or health? If so, provide the specific health concern the measure is intended to address. Please provide any available documentation.
	2.	If the measure is intended to mitigate against a disease or pest, which specifically?
	a)	Do the pests or diseases of concern exist in the Ukraine?
	b)	If the pest or disease exists in the Ukraine, are there relevant surveillance or monitoring data to demonstrate that the pest or disease does not affect the product for which the measure is taken?

FURTHER ACTION NEEDED: EVALUATION OF NOTIFIED SPS MEASURE			
Question			Response
	c)	Is the pest or disease known to occur in the country that has applied the measure? If so, is the pest or disease limited or widespread in that country's territory? Is the pest or disease under an official control program or quarantine in that country? Based on the above responses, does the proposed SPS measure comply with the requirements of the SPS Agreement?	
IV.	Scientific Basis for the Measure		
	1.	Are there any international standards, guidelines or recommendations which address the same or similar health concerns?	
	a)	Please identify and describe.	
	b)	Would use of those international standards, guidelines or recommendations be more or less trade restrictive than application of the measure in question?	
	2.	Has the government that has applied (or is proposing) the measure conducted a risk assessment which provides a scientific basis for the measure?	
		Are you aware of any other risk assessment upon which the measure may be based?	
	3.	Is there strong scientific evidence that the measure is or is not based on scientific principles or maintained on the basis of sufficient scientific evidence?	
		Does the scientific evidence indicate that application of this measure is necessary to achieve the intended level of health protection (as determined by the government applying the measure)?	
		Please attach a technical summary of the relevant scientific evidence.	

FURTHER ACTION NEEDED: EVALUATION OF NOTIFIED SPS MEASURE		
Question		Response
4.	Have Ukraine government or private sector scientists evaluated the scientific basis for the measure in question? If so, what is their view?	
5.	Does the measure take into account the sanitary and phytosanitary characteristics of the areas from which the affected products originate and the areas to which they are destined (e.g., does it recognize post harvest risk mitigation techniques and pest-free or disease-free production areas)?	
6.	How much technical analysis and research are required to generate conclusions regarding the other country's SPS measure (low, medium, high)? What are the research costs, current activity, and funding sources?	
V.	Consistency of the Measure	
I.	Has the measure been enforced consistently and in a non-discriminatory manner?	
a)	Is the measure applied in a non-discriminatory way to all international suppliers, where identical or similar conditions prevail?	
b)	Does the government applying the measure apply the measure in a non-discriminatory way to both imported and domestic products, where identical or similar conditions prevail?	
i)	If not, has the government given a reason why it does not?	
c)	Is the measure applied seasonally? If so, is there a scientific justification for seasonal implementation? How does seasonal implementation relate to seasonal Ukraine export patterns?	

FURTHER ACTION NEEDED: EVALUATION OF NOTIFIED SPS MEASURE		
Question		Response
VI.	Transparency and Other Procedural Issues	
	1.	To your knowledge, has the measure been formally notified through WTO notification procedures to the SPS Committee? Other WTO Committees?
	2.	Did the government applying the measure provide an opportunity for Ukraine firms to comment on the measure before its adoption and implementation? Were any comments provided in response? If so, were they taken into account in the development of the final measure?
	3.	Did the government applying the measure provide at least six months for Ukraine exporters to adjust to the measure prior to its implementation?
VII.	Previous or Ongoing Consultations	
	1.	Have there been any consultations between the government applying the measure and affected (private sector) Ukraine exporters?
		If so, when did those consultations take place, which foreign government agencies were involved, and what were the results? Please attach as detailed a chronology as possible.
	2.	Have there been any official bilateral consultations between the government applying the measure and the Ukraine government regarding the application of the measure?
		When did those consultations take place, and which Ukraine and foreign government agencies were involved?
	3.	Have any third parties sought or conducted consultations with the government applying the measure on this issue?

FURTHER ACTION NEEDED: EVALUATION OF NOTIFIED SPS MEASURE		
Question		Response
		If so, what were the results?
	4.	Are issues relevant to the application of this measure currently on the agenda of any relevant international standards setting bodies or other regional or international organizations?
VIII.	Comparable Measures	
	I.	What SPS measures, if any, does Ukraine apply in order to address the same or similar health concerns in association with the same or comparable products? In other words, what are the comparable Ukraine measures, including related domestic and interstate regulations, to protect against the same or comparable risks?
	a)	Are those Ukraine measures more or less trade restrictive than the foreign measure in question?
	b)	Are there any known scientific or other legitimate reasons for any difference between the foreign measure in question and the comparable Ukraine measures?
	2.	What SPS measures, if any, do other governments apply in order to address the same or similar health concerns?
		Are these measures more or less restrictive than the measure in question?
	3.	Is there any other reasonably available measure or risk mitigation strategy which, taking into account technical and economic feasibility, would achieve the intended level of health protection (as determined by the government applying the measure) in a less trade-restrictive manner?

FURTHER ACTION NEEDED: EVALUATION OF NOTIFIED SPS MEASURE		
Question		Response
		Please provide any available scientific evidence which would demonstrate the efficacy of such alternatives.
IX.	Other Information	
	1.	Is there any other relevant information not asked for in previous questions, or information you believe to be pertinent that has not been provided in response to the previous questions?
	2.	Information in the following categories is particularly useful:
	a)	Chronology of actions leading to the adoption and implementation of the measure.
	b)	Chronology of any consultations between Ukraine traders or U.S government representatives and the government applying the measure in question.
	c)	Any available documentation of the specific requirements imposed under the measure and of the health justification identified by the government applying the measure.
	d)	A technical summary of any available scientific evidence which calls into question the scientific basis for the measure.
<p>Recommendation:</p> <p><input type="checkbox"/> Send comments to responsible agency in notifying country (attach prepared comments)</p> <p><input type="checkbox"/> Raise concerns at next meeting of the WTO SPS Committee</p> <p><input type="checkbox"/> No action necessary</p>		

ANNEX C: UKRAINE'S AGRICULTURAL AND FOOD PRODUCT EXPORTS, 2004-2006

Ukraine Agricultural and Food Product Exports, Ranked in Descending Order, 2004-2006

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
	Agriculture 01-24		3,472.77	4,307.00	4,713.37	4,164.38	10.6	12.6	12.3	11.9
151211	Sunflower-Seed Or Safflower Oil, Crude, Fract, Etc	SS	374.04	414.90	787.94	525.62	1.2	1.2	2.1	1.5
100190	Wheat (Other Than Durum Wheat), And Meslin	SS	287.73	651.82	595.36	511.64	0.9	1.9	1.6	1.5
100300	Barley	SS	370.90	444.82	566.15	460.62	1.1	1.3	1.5	1.3
040690	Cheese, Nesoi, Including Cheddar And Colby	VS	211.37	311.05	139.88	220.76	0.7	0.9	0.4	0.6
100590	Corn (Maize), Other Than Seed Corn	SS	166.25	267.44	175.44	203.05	0.5	0.8	0.5	0.6
180690	Cocoa Preparations, Not In Bulk Form, Nesoi	SS	179.27	201.48	227.08	202.61	0.6	0.6	0.6	0.6
151219	Sunflower-Seed Or Safflower Oil, Refine, Fract Etc	SS	154.44	130.88	134.42	139.91	0.5	0.4	0.4	0.4
230630	Sunflower Seed Oilcake & Oth Solid Residue W/N Grd	VS	129.51	91.87	120.68	114.02	0.4	0.3	0.3	0.3
040210	Milk & Crm,Cntd,Swt,Powdr,Gran/Solids,Nov 1.5% Fat	VS	101.12	108.34	110.25	106.57	0.3	0.3	0.3	0.3
220860	Vodka	SS	47.69	136.94	113.21	99.28	0.2	0.4	0.3	0.3
220890	Cordials, Liqueurs, Kirschwasser, Ratafia, Etc.	SS	73.94	95.30	71.59	80.27	0.2	0.3	0.2	0.2
020210	Carcasses/Half-Carcasses Of Bovine Animals, Frozen	VS	104.90	109.15	24.19	79.41	0.3	0.3	0.1	0.2
170490	Sugar Confection (Incl Wh Choc), No Cocoa, Nesoi	SS	62.45	71.75	79.44	71.21	0.2	0.2	0.2	0.2
220300	Beer Made From Malt	SS	59.70	67.67	81.65	69.67	0.2	0.2	0.2	0.2
120500	Rape Or Colza Seeds, Whether Or Not Broken	SS	18.99	44.31	140.22	67.84	0.1	0.1	0.4	0.2
190530	Cookies (Sweet Biscuits), Waffles And Wafers	SS	59.35	65.96	71.28	65.53	0.2	0.2	0.2	0.2
240220	Cigarettes Containing Tobacco	SS	52.04	68.78	69.61	63.48	0.2	0.2	0.2	0.2
120600	Sunflower Seeds, Whether Or Not Broken	SS	98.32	10.01	58.21	55.51	0.3	0.0	0.2	0.2
081190	Fruit Nesoi & Nuts, Sweetened Etc Or Not, Frozen	PQ&SS	23.79	40.03	69.90	44.57	0.1	0.1	0.2	0.1
080232	Walnuts, Fresh Or Dried, Shelled	PQ&SS	22.70	43.15	60.25	42.03	0.1	0.1	0.2	0.1
120100	Soybeans, Whether Or Not Broken	SS	9.55	38.32	62.30	36.72	0.0	0.1	0.2	0.1
040510	Butter	VS	49.01	38.06	20.57	35.88	0.2	0.1	0.1	0.1
071310	Peas, Dried Shelled, Including Seed	PQ&SS	24.86	24.38	56.86	35.37	0.1	0.1	0.2	0.1
200970	Apple Juice, Unfermented, Sweetened Or Not	SS	25.67	41.06	38.53	35.08	0.1	0.1	0.1	0.1
040221	Milk/Cream Cntrd Nt Swtn Pwd/Oth Solids Ov 1.5% Fa	VS	31.11	40.34	31.77	34.41	0.1	0.1	0.1	0.1
220710	Ethyl Alcohol, Undenat, Alchol Not Un 80% By Volum	SS	30.98	32.70	38.33	34.01	0.1	0.1	0.1	0.1
210690	Food Preparations Nesoi	SS	76.27	14.91	9.58	33.59	0.2	0.0	0.0	0.1

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
020230	Meat Of Bovine Animals, Boneless, Frozen	VS	60.11	33.63	2.54	32.10	0.2	0.1	0.0	0.1
230230	Bran Sharps & Oth Residue Derived Frm Milling Wheat	VS	25.97	23.84	16.94	22.25	0.1	0.1	0.0	0.1
240310	Smoking Tobacco, Whether Not Contain Substitutes	SS	14.84	15.24	32.56	20.88	0.1	0.0	0.1	0.1
220290	Nonalcoholic Beverages, Nesoi	SS	5.37	21.51	34.87	20.58	0.0	0.1	0.1	0.1
170199	Cane/Beet Sug Chem Pure Sucrose Refind Nesoi	SS	39.33	13.57	8.83	20.58	0.1	0.0	0.0	0.1
040299	Milk And Cream, Sweetened, Concen Or Not Nesoi	VS	22.42	19.42	10.52	17.45	0.1	0.1	0.0	0.0
200520	Potatoes, Prepared Etc. No Vinegar Etc, Not Frozen	SS	12.14	14.33	25.01	17.16	0.0	0.0	0.1	0.0
220421	Wine, Fr Grape Nesoi & Gr Must W Alc, Nov 2 Liters	SS	11.80	17.24	19.71	16.25	0.0	0.1	0.1	0.0
120750	Mustard Seeds, Whether Or Not Broken	SS	14.48	16.11	9.74	13.45	0.0	0.1	0.0	0.0
190590	Bread, Pastry, Cakes, Etc Nesoi & Puddings	SS	8.56	11.53	17.76	12.62	0.0	0.0	0.1	0.0
220720	Ethyl Alcohol & Oth Spirits Denatured Any Strength	SS	6.58	8.91	22.03	12.51	0.0	0.0	0.1	0.0
180632	Chocolate & Othr Cocoa Preps, Not Bulk, Not Filled	SS	6.91	16.07	12.90	11.96	0.0	0.1	0.0	0.0
120991	Vegetable Seeds For Sowing	SS	6.80	8.70	19.16	11.55	0.0	0.0	0.1	0.0
210320	Tomato Ketchup And Other Tomato Sauces	SS	11.23	11.59	11.64	11.49	0.0	0.0	0.0	0.0
200990	Mixtures Of Fruit And/Or Vegetable Juices	SS	7.35	10.99	16.07	11.47	0.0	0.0	0.0	0.0
230990	Animal Feed Prep Except Dog Or Cat Food, Retail Pk	VS	12.01	9.03	12.80	11.28	0.0	0.0	0.0	0.0
050510	Down For Stuffing Cleaned/Disinfect Treat For Pres	VS	11.22	10.38	11.11	10.90	0.0	0.0	0.0	0.0
170390	Molasses From Extraction/Refing Sugar, Nesoi	SS	4.89	14.28	12.11	10.43	0.0	0.0	0.0	0.0
180310	Cocoa Paste, Not Defatted	SS	8.12	12.02	10.17	10.10	0.0	0.0	0.0	0.0
170230	Glucose (Dextrose), Under 20% Fructose In Dry Form	SS	9.85	10.56	9.36	9.92	0.0	0.0	0.0	0.0
220410	Sparkling Wine Of Fresh Grapes	SS	6.97	10.86	11.40	9.74	0.0	0.0	0.0	0.0
110429	Grains Worked Etc, Of Cereal, Nesoi	SS	9.88	7.29	8.89	8.69	0.0	0.0	0.0	0.0
220870	Liqueurs And Cordials	SS	7.59	10.03	7.15	8.26	0.0	0.0	0.0	0.0
190230	Pasta, Prepared Nesoi	SS	5.77	6.89	11.04	7.90	0.0	0.0	0.0	0.0
151620	Vegetable Fats & Oils/Fractions Hydrogenated Etc	SS	6.82	6.97	8.26	7.35	0.0	0.0	0.0	0.0
210390	Sauces Etc. Mixed Condiments And Seasonings Nesoi	SS	5.60	7.92	8.21	7.24	0.0	0.0	0.0	0.0
040900	Honey, Natural	VS	7.14	5.18	9.24	7.19	0.0	0.0	0.0	0.0
151790	Edible Fats & Oil Mixtures & Prepar Nesoi, Etc	SS	0.83	7.91	12.71	7.15	0.0	0.0	0.0	0.0
040520	Dairy Spreads	VS	13.40	5.34	2.70	7.15	0.0	0.0	0.0	0.0
151410	Rapeseed/Colza/Mustard Oil & Fractions, Crude	SS	2.91	12.21	6.27	7.13	0.0	0.0	0.0	0.0
160413	Sardines/Sardinella/Brisling Prep/Pres, Not Minced	SS	4.58	7.56	8.70	6.94	0.0	0.0	0.0	0.0
200190	Vegt/Fruit/Nuts Etc Nesoi Prep/Pres By Vinegar Etc	SS	5.30	6.87	8.61	6.93	0.0	0.0	0.0	0.0
151710	Margarine, Excluding Liquid Margarine	SS	2.41	6.04	10.83	6.43	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
200590	Vegs Inc Mixtures Nesoi Prep/Pres Nesoi Not Froze	SS	4.16	7.37	7.51	6.35	0.0	0.0	0.0	0.0
220210	Waters, Incl Mineral & Aerated, Sweetnd Or Flavord	SS	7.16	7.64	3.96	6.25	0.0	0.0	0.0	0.0
080231	Walnuts, Fresh Or Dried, In Shell	PQ&SS	3.68	4.80	9.45	5.98	0.0	0.0	0.0	0.0
230320	Beet-Pulp, Bagasse And Other Waste Of Sugar Mfr	VS	4.02	5.30	8.32	5.88	0.0	0.0	0.0	0.0
110319	Groats And Meal Of Cereal, Nesoi	SS	7.35	4.91	5.22	5.83	0.0	0.0	0.0	0.0
020329	Meat Of Swine, Nesoi, Frozen	VS	6.46	9.80	0.72	5.66	0.0	0.0	0.0	0.0
100200	Rye In The Grain	SS	6.39	6.88	3.43	5.56	0.0	0.0	0.0	0.0
180620	Chocolate Prep Nesoi, In Blocks Etc. Over 2 Kg	SS	6.55	4.94	5.12	5.54	0.0	0.0	0.0	0.0
190190	Malt Extract; Flour, Meal, Milk Etc Prod Etc Nesoi	SS	3.69	6.01	6.39	5.37	0.0	0.0	0.0	0.0
110710	Malt, Not Roasted	SS	1.34	5.99	8.50	5.28	0.0	0.0	0.0	0.0
120400	Flaxseed (Linseed), Whether Or Not Broken	SS	3.28	5.18	6.55	5.00	0.0	0.0	0.0	0.0
040410	Whey & Modfd Whey Whet/Nt Cncntrtd Cntg Add Sweetn	VS	2.15	6.88	5.83	4.95	0.0	0.0	0.0	0.0
070951	Mushrooms, Fresh Or Chilled	PQ&SS	1.59	2.60	10.02	4.74	0.0	0.0	0.0	0.0
160232	Prepared Or Preserved Chicken Meat Or Offal, Nesoi	SS	6.50	5.68	1.94	4.71	0.0	0.0	0.0	0.0
100820	Millet	SS	3.85	5.21	4.74	4.60	0.0	0.0	0.0	0.0
121299	Vegetble Prodcnts (Inc Unrtd Chicory Rt) Edible Nes	SS	3.95	4.55	4.81	4.44	0.0	0.0	0.0	0.0
220820	Grape Brandy	SS	2.47	3.70	6.85	4.34	0.0	0.0	0.0	0.0
081040	Cranberries, Blueberries, Etc, Fresh	PQ&SS	3.69	3.68	5.05	4.14	0.0	0.0	0.0	0.0
200980	Juice Of Any Single Fruit/Vegtble Unfermentd Nesoi	SS	3.96	4.56	3.59	4.04	0.0	0.0	0.0	0.0
200110	Cucumbers, Gherkins, Prep/Pres Vinegar/Acetic Acid	SS	4.73	3.82	3.50	4.01	0.0	0.0	0.0	0.0
040610	Cheese (Unrpd/Uncurd) Frsh Incl Whey Cheese Curd	VS	2.72	6.37	2.90	4.00	0.0	0.0	0.0	0.0
200892	Fruit Mixtures, Prepared Or Preserved Nesoi	SS	4.29	4.69	2.87	3.95	0.0	0.0	0.0	0.0
120799	Oil Seeds & Oleaginous Fruits W/Nt Broken, Nesoi	SS	4.29	2.98	4.30	3.86	0.0	0.0	0.0	0.0
210500	Ice Cream And Other Edible Ice, With Cocoa Or Not	SS	3.09	5.67	2.27	3.68	0.0	0.0	0.0	0.0
210111	Coffee Extracts, Essences Etc. & Prep Therefrom	SS	1.18	2.63	7.18	3.66	0.0	0.0	0.0	0.0
200950	Tomato Juice (Dry Weight Content Less Than 7%)	SS	1.82	3.59	5.21	3.54	0.0	0.0	0.0	0.0
210410	Soups And Broths And Preparations Therefor	SS	4.18	3.21	3.19	3.53	0.0	0.0	0.0	0.0
160249	Prepared Etc. Swine Meat, Offal, Etc. Nesoi	SS	3.68	2.42	4.02	3.37	0.0	0.0	0.0	0.0
100700	Grain Sorghum	SS	1.03	3.63	4.94	3.20	0.0	0.0	0.0	0.0
230310	Residues Of Starch Mfr And Similar Residues	VS	1.59	2.84	4.87	3.10	0.0	0.0	0.0	0.0
200919	Orange Juice, Other Than Frozen, Sweetened Or Not	SS	2.84	3.14	3.25	3.07	0.0	0.0	0.0	0.0
200899	Fruit & Edible Plant Parts Nesoi, Prep Etc. Nesoi	SS	2.72	3.02	3.42	3.05	0.0	0.0	0.0	0.0
180631	Chocolate & Othr Cocoa Preps, Not Bulk, Filled	SS	2.01	3.31	3.73	3.02	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
110812	Starch, Corn (Maize)	SS	2.64	2.15	4.02	2.94	0.0	0.0	0.0	0.0
030379	Fish, Nesoi, With Bones, Frozen	VS	1.70	3.25	3.80	2.92	0.0	0.0	0.0	0.0
121190	Plants & Parts Etc For Medicaments Etc Nesoi	SS	2.58	2.48	3.33	2.80	0.0	0.0	0.0	0.0
030420	Fish Fillets, Frozen	VS	4.11	3.19	0.98	2.76	0.0	0.0	0.0	0.0
070200	Tomatoes, Fresh Or Chilled	PQ&SS	1.04	1.42	5.68	2.71	0.0	0.0	0.0	0.0
160540	Crustaceans, Nesoi, Prepared Or Preserved	SS	2.24	3.01	2.72	2.66	0.0	0.0	0.0	0.0
110313	Groats And Meal Of Corn (Maize)	SS	2.23	2.37	3.10	2.57	0.0	0.0	0.0	0.0
200880	Strawberries, Prepared Or Preserved Nesoi	SS	2.43	2.75	2.22	2.46	0.0	0.0	0.0	0.0
010290	Bovine Animals, Live, Nesoi	VS	2.47	0.90	3.92	2.43	0.0	0.0	0.0	0.0
240120	Tobacco, Partly Or Wholly Stemmed/Stripped	SS	0.48	3.23	3.42	2.38	0.0	0.0	0.0	0.0
140190	Vegetable Materials Primarily For Plaiting, Nesoi	SS	1.41	2.54	3.13	2.36	0.0	0.0	0.0	0.0
220600	Fermented Beverages Nesoi (Cider, Perry, Mead Etc)	SS	2.72	4.12	0.17	2.34	0.0	0.0	0.0	0.0
200799	Jams, Fruit Jellies, Pastes Etc Nesoi, Nut Pastes	SS	2.63	2.65	1.68	2.32	0.0	0.0	0.0	0.0
150710	Soybean Oil & Fractions, Crude, Wheth/Not Degummed	SS	1.19	2.79	2.91	2.30	0.0	0.0	0.0	0.0
190540	Rusks, Toasted Bread And Similar Toasted Products	SS	1.19	2.63	3.06	2.29	0.0	0.0	0.0	0.0
160419	Fish, Prepared Or Preserved, Whole Or Pieces Nesoi	SS	1.82	2.25	2.70	2.26	0.0	0.0	0.0	0.0
040700	Birds' Eggs, In The Shell, Fresh, Preserv Or Cookd	VS	0.40	3.39	2.84	2.21	0.0	0.0	0.0	0.0
230640	Rape Or Colza Seed Oilcake & Solid Residue W/N Grd	VS	1.56	2.72	2.33	2.20	0.0	0.0	0.0	0.0
110100	Wheat Or Meslin Flour	SS	1.14	3.06	2.26	2.16	0.0	0.0	0.0	0.0
100510	Corn (Maize) Seed, Certified, Excluding Sweet Corn	SS	2.72	1.89	1.63	2.08	0.0	0.0	0.0	0.0
160100	Sausages, Similar Prdt Meat Etc Food Prep Of These	SS	3.15	2.52	0.55	2.07	0.0	0.0	0.0	0.0
160250	Prepared Or Preserved Bovine Meat Etc. Nesoi	SS	2.31	2.16	1.57	2.01	0.0	0.0	0.0	0.0
071080	Vegetables, Nesoi Raw/Cooked By Boiling, Frozen	PQ&SS	1.32	2.13	2.55	2.00	0.0	0.0	0.0	0.0
040630	Cheese, Processed, Not Grated Or Powdered	VS	2.24	2.27	1.46	1.99	0.0	0.0	0.0	0.0
230210	Bran Sharps & Oth Residues Derived Frm Millng Corn	VS	2.18	1.69	1.87	1.91	0.0	0.0	0.0	0.0
170290	Sugar, Nesoi, Including Invert Sugar & Syrup	SS	2.34	0.02	3.32	1.90	0.0	0.0	0.0	0.0
081120	Raspberries/Blckberries/Etc Uncookd/Cookd Water Fz	PQ&SS	1.96	2.18	1.38	1.84	0.0	0.0	0.0	0.0
210210	Yeasts, Active	SS	0.40	0.93	4.15	1.82	0.0	0.0	0.0	0.0
200860	Cherries, Prepared Or Preserved, Nesoi	SS	1.67	1.96	1.81	1.81	0.0	0.0	0.0	0.0
120929	Seeds Of Forage Plants For Sowing, Nesoi	SS	1.02	1.48	2.86	1.79	0.0	0.0	0.0	0.0
200940	Pineapple Juice, Sweetened Or Not	SS	1.69	1.70	1.81	1.73	0.0	0.0	0.0	0.0
240399	Mfr Tobacco & Substitutes Nesoi; Tobacco Extr Etc.	SS	0.00	2.05	3.11	1.72	0.0	0.0	0.0	0.0
210330	Mustard Flour And Meal And Prepared Mustard	SS	1.29	1.59	1.85	1.58	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
220429	Wine, Fr Grape Nesoi & Gr Must With Alc, Nesoi	SS	1.23	1.46	1.99	1.56	0.0	0.0	0.0	0.0
020120	Meat, Bovine Cuts With Bone In, Fresh Or Chilled	VS	0.00	0.00	4.46	1.49	0.0	0.0	0.0	0.0
040390	Buttermilk/Kephir/Curdled Fermntd Acidfd Milk & Crm	VS	0.45	3.31	0.46	1.41	0.0	0.0	0.0	0.0
120911	Sugar Beet Seed Of A Kind Used For Sowing	SS	3.75	0.20	0.21	1.39	0.0	0.0	0.0	0.0
220110	Water, Mineral & Aerated Natrl/Artfcl Nt Swtwn/Flav	SS	0.63	1.01	2.51	1.38	0.0	0.0	0.0	0.0
190520	Gingerbread And The Like	SS	1.03	1.37	1.60	1.34	0.0	0.0	0.0	0.0
190410	Prep Food, Swelling/Roasting Cereal/Cereal Product	SS	1.33	1.17	1.33	1.28	0.0	0.0	0.0	0.0
070810	Peas (Pisum Sativum), Fresh Or Chilled	PQ&SS	1.01	1.62	1.13	1.25	0.0	0.0	0.0	0.0
080800	Apples, pears and quinces, fresh	PQ&SS	0.00	3.57	0.00	1.19	0.0	0.0	0.0	0.0
200540	Peas (Pisum Sativum) Prep/Pres Nesoi, Not Frozen	SS	1.44	0.45	1.48	1.12	0.0	0.0	0.0	0.0
020321	Carcasses And Half-Carcasses Of Swine, Frozen	VS	3.13	0.11	0.00	1.08	0.0	0.0	0.0	0.0
190420	Prep Food From Unroasted Cereal Flakes/Mixtures	SS	0.73	1.12	1.36	1.07	0.0	0.0	0.0	0.0
070700	Cucumbers And Gherkins, Fresh Or Chilled	PQ&SS	0.39	0.98	1.82	1.06	0.0	0.0	0.0	0.0
200551	Beans, Shelled, Prep Etc., No Vinegar Etc, Not Frz	SS	0.77	1.08	1.32	1.06	0.0	0.0	0.0	0.0
110610	Flour & Meal Of Dried Leguminous Vegetbles Of 0713	SS	0.52	1.03	1.54	1.03	0.0	0.0	0.0	0.0
071190	Veg Nesoi, Veg Mix, Provisionally Pres, Inedible	PQ&SS	0.94	1.30	0.83	1.02	0.0	0.0	0.0	0.0
040120	Milk/Cream Nt Cnctrd/Swt, Fat Content Ov 1% Nov-6%	VS	0.70	0.89	1.41	1.00	0.0	0.0	0.0	0.0
150790	Soybean Oil, Refined, And Fractions, Not Modified	SS	0.26	1.72	0.92	0.97	0.0	0.0	0.0	0.0
151521	Corn (Maize) Oil, Crude, Not Chemically Modified	SS	0.59	0.93	1.37	0.96	0.0	0.0	0.0	0.0
030300	Fish, Frozen, Excl Fillets, Oth Fish Meat of Heading 0304	VS	1.35	1.46	0.02	0.94	0.0	0.0	0.0	0.0
090920	Seeds Of Coriander	SS	0.75	0.49	1.53	0.92	0.0	0.0	0.0	0.0
200290	Tomato Paste Etc, Not Prepared With Vinegar Etc.	SS	0.44	0.73	1.59	0.92	0.0	0.0	0.0	0.0
071040	Sweet Corn Raw/Cooked By Steam/Boiling In Water Fz	PQ&SS	0.11	0.80	1.84	0.92	0.0	0.0	0.0	0.0
200580	Sweet Corn, Prepared/Preserved Nesoi, Not Frozen	SS	1.45	0.12	1.11	0.89	0.0	0.0	0.0	0.0
071333	Kidney Beans & White Pea Beans, Dri Shel, Inc Seed	PQ&SS	0.71	1.12	0.85	0.89	0.0	0.0	0.0	0.0
010511	Chickens, Live, Wt Not Over 185 G (6.53 Oz.)	VS	0.81	1.24	0.61	0.89	0.0	0.0	0.0	0.0
100400	Oats	SS	2.15	0.32	0.09	0.85	0.0	0.0	0.0	0.0
080711	Watermelons, Fresh	PQ&SS	1.12	0.41	0.90	0.81	0.0	0.0	0.0	0.0
151511	Linseed Oil, Crude, Not Chemically Modified	SS	0.54	0.43	1.45	0.81	0.0	0.0	0.0	0.0
080810	Apples, Fresh	PQ&SS	0.33	0.68	1.41	0.81	0.0	0.0	0.0	0.0
151590	Fixed Veg Oil, Ref Or Not, Nesoi, Nt Chem Modifie	SS	0.59	0.66	1.16	0.80	0.0	0.0	0.0	0.0
151190	Palm Oil, Refined But Not Chemically Modified	SS	0.00	0.26	2.13	0.80	0.0	0.0	0.0	0.0
020629	Offal Of Bovine Animals, Edible, Nesoi, Frozen	VS	1.01	1.06	0.10	0.72	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
100810	Buckwheat	SS	1.35	0.60	0.21	0.72	0.0	0.0	0.0	0.0
100110	Durum Wheat	SS	1.17	0.47	0.45	0.70	0.0	0.0	0.0	0.0
220430	Grape Must Partly Ferment, Ov .5% Alcohol, Nesoi	SS	1.63	0.04	0.35	0.67	0.0	0.0	0.0	0.0
200210	Tomatoes Whole/Pieces Prep/Pres Ex Vinegar Etc	SS	0.54	0.70	0.76	0.67	0.0	0.0	0.0	0.0
071021	Peas, Raw Cooked In Boiling Water, Frozen	PQ&SS	0.00	0.51	1.36	0.62	0.0	0.0	0.0	0.0
110290	Cereal Flours, Nesoi	SS	0.36	0.55	0.92	0.61	0.0	0.0	0.0	0.0
040490	Products Of Natural Milk Constituents, Nesoi	VS	0.08	1.67	0.07	0.61	0.0	0.0	0.0	0.0
240110	Tobacco, Not Stemmed/Stripped	SS	0.32	0.10	1.37	0.60	0.0	0.0	0.0	0.0
240130	Tobacco Refuse (Waste)	SS	1.55	0.09	0.12	0.59	0.0	0.0	0.0	0.0
071320	Chickpeas (Garbanzos), Dried Shelled, Include Seed	PQ&SS	0.29	0.70	0.77	0.59	0.0	0.0	0.0	0.0
200819	Nuts (Exc Peanuts) And Seeds, Prepared Etc. Nesoi	SS	0.41	0.57	0.76	0.58	0.0	0.0	0.0	0.0
160420	Fish, Prepared Or Preserved, Nesoi	SS	0.67	0.34	0.71	0.57	0.0	0.0	0.0	0.0
180500	Cocoa Powder, Not Sweetened	SS	0.16	0.66	0.88	0.57	0.0	0.0	0.0	0.0
070960	Fruits Of Genus Capsicum Or Pimenta, Fresh/Chilled	PQ&SS	0.46	0.53	0.70	0.56	0.0	0.0	0.0	0.0
040620	Cheese Of All Kinds, Grated Or Powdered	VS	1.22	0.47	0.00	0.56	0.0	0.0	0.0	0.0
200920	Grapefruit Juice, Sweetened Or Not	SS	0.59	0.44	0.56	0.53	0.0	0.0	0.0	0.0
230620	Linseed Oilcake And Oth Solid Residues W/Nt Ground	VS	0.20	0.41	0.98	0.53	0.0	0.0	0.0	0.0
200870	Peaches, Prepared Or Preserved, Nesoi	SS	0.83	0.51	0.22	0.52	0.0	0.0	0.0	0.0
230400	Soybean Oilcake & Oth Solid Residue, Wh/Not Ground	VS	0.57	0.95	0.00	0.51	0.0	0.0	0.0	0.0
090121	Coffee, Roasted, Not Decaffeinated	SS	0.25	0.32	0.88	0.49	0.0	0.0	0.0	0.0
210130	Roasted Chicory & Other Roasted Coffee Substitutes	SS	0.23	0.51	0.64	0.46	0.0	0.0	0.0	0.0
110210	Rye Flour	SS	0.54	0.41	0.39	0.45	0.0	0.0	0.0	0.0
081320	Prunes, Dried	PQ&SS	0.03	0.12	1.16	0.44	0.0	0.0	0.0	0.0
190110	Food Preparations For Infants, Retail Sale Nesoi	SS	0.44	0.38	0.46	0.43	0.0	0.0	0.0	0.0
200850	Apricots, Prepared Or Preserved, Nesoi	SS	0.22	0.48	0.56	0.42	0.0	0.0	0.0	0.0
100890	Cereals Nesoi, Including Wild Rice	SS	0.53	0.41	0.31	0.42	0.0	0.0	0.0	0.0
081290	Fruit & Nuts Provisionally Preserved Inedible Neso	PQ&SS	0.59	0.42	0.21	0.40	0.0	0.0	0.0	0.0
150200	Fats, Bovine, Sheep Or Goat, Raw Or Rendered	SS	0.43	0.59	0.13	0.38	0.0	0.0	0.0	0.0
210112	Coffee Extracts/Essences/Concentrates \$ Prep	SS	0.20	0.34	0.61	0.38	0.0	0.0	0.0	0.0
230110	Flour Meal & Pellet Meat/Meat Offal Inedib; Greave	VS	0.13	0.76	0.23	0.37	0.0	0.0	0.0	0.0
190220	Pasta, Stuffed, Whether Or Not Cooked, Etc.	SS	0.15	0.53	0.42	0.36	0.0	0.0	0.0	0.0
090230	Black Tea Fermted & Partly Fermted Tea, Packg Nov 3Kg	SS	0.19	0.15	0.72	0.36	0.0	0.0	0.0	0.0
050400	Animal (Not Fish) Guts, Bladders, Stomachs & Parts	VS	0.51	0.48	0.07	0.35	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
070310	Onions And Shallots, Fresh Or Chilled	PQ&SS	0.03	0.01	0.99	0.35	0.0	0.0	0.0	0.0
080940	Plums, Prune Plums And Sloes, Fresh	PQ&SS	0.02	0.95	0.07	0.35	0.0	0.0	0.0	0.0
080920	Cherries, Sweet Or Tart, Fresh	PQ&SS	0.17	0.57	0.29	0.35	0.0	0.0	0.0	0.0
100630	Rice, Semi- Or Wholly Milled, Polished Etc Or Not	SS	0.00	0.03	0.98	0.34	0.0	0.0	0.0	0.0
030400	Fish fillets, Oth Fish Meat, Fresh, Chilled, Frozen	VS	0.00	1.00	0.00	0.33	0.0	0.0	0.0	0.0
110412	Grains, Rolled Or Flaked, Of Oats	SS	0.35	0.28	0.34	0.32	0.0	0.0	0.0	0.0
110311	Groats And Meal Of Wheat	SS	0.32	0.41	0.19	0.31	0.0	0.0	0.0	0.0
020621	Tongues Of Bovine Animals, Edible, Frozen	VS	0.33	0.58	0.00	0.30	0.0	0.0	0.0	0.0
180300	Cocoa paste, whether or not defatted	SS	0.00	0.87	0.00	0.29	0.0	0.0	0.0	0.0
010600	Animals, Live, Nesoi	VS	0.27	0.29	0.31	0.29	0.0	0.0	0.0	0.0
100830	Canary Seed	SS	0.14	0.29	0.43	0.29	0.0	0.0	0.0	0.0
230120	Flour Meal & Pellet Of Fish Crustaceans Etc Inedib	VS	0.02	0.07	0.77	0.29	0.0	0.0	0.0	0.0
160220	Animal Livers, Prepared Or Preserved, Nesoi	SS	0.45	0.24	0.16	0.29	0.0	0.0	0.0	0.0
121020	Hop Cones, Ground, Powdered Or In Pellets; Lupulin	SS	0.17	0.13	0.55	0.28	0.0	0.0	0.0	0.0
051199	Dead Horses, Swine Etc (Inedible) & Products Neso	VS	0.32	0.30	0.21	0.27	0.0	0.0	0.0	0.0
120791	Poppy Seeds, Whether Or Not Broken	SS	0.02	0.01	0.77	0.27	0.0	0.0	0.0	0.0
110419	Grains Roll/Flakd Of Cereals, Nesoi	SS	0.29	0.30	0.20	0.26	0.0	0.0	0.0	0.0
160412	Herrings Prep Or Pres, Whole Or In Pieces	SS	0.10	0.31	0.37	0.26	0.0	0.0	0.0	0.0
170310	Cane Molasses From Extraction Or Refining Of Sugar	SS	0.77	0.01	0.00	0.26	0.0	0.0	0.0	0.0
090200	Tea, whether or not flavoured	SS	0.18	0.59	0.00	0.26	0.0	0.0	0.0	0.0
040590	Fats And Oils Derived From Milk, N.E.S.O.I.	VS	0.27	0.46	0.04	0.26	0.0	0.0	0.0	0.0
010119	Horses, Live, Except Purebred Breeding Animals	VS	0.38	0.20	0.17	0.25	0.0	0.0	0.0	0.0
151490	Rapeseed/Colza/Mustard Oil & Fractions, Refined	SS	0.08	0.41	0.26	0.25	0.0	0.0	0.0	0.0
071230	Mushrooms & Truffles, Dried, Whole, Cut, Slicd Etc	PQ&SS	0.28	0.27	0.18	0.24	0.0	0.0	0.0	0.0
200820	Pineapples, Prepared Or Preserved Nesoi	SS	0.26	0.21	0.25	0.24	0.0	0.0	0.0	0.0
120999	Seeds, Fruit And Spores Used For Sowing, Nesoi	SS	0.26	0.34	0.12	0.24	0.0	0.0	0.0	0.0
020110	Carcasses/Half-Carcasses Of Bovine Anmls Frsh/Chld	VS	0.36	0.00	0.36	0.24	0.0	0.0	0.0	0.0
081110	Strawberries, Uncooked/Cooked By Water, Frozen	PQ&SS	0.22	0.39	0.09	0.23	0.0	0.0	0.0	0.0
121490	Forage Products Nesoi (Hay, Clover, Vetches, Etc)	SS	0.21	0.11	0.38	0.23	0.0	0.0	0.0	0.0
081340	Fruit, Dried, Nesoi, Ex That Of Heading 0801-0806	PQ&SS	0.13	0.23	0.32	0.23	0.0	0.0	0.0	0.0
152200	Degras; Residues From Fatty Substncls/Anml/Veg Waxes	SS	0.15	0.16	0.36	0.23	0.0	0.0	0.0	0.0
220900	Vinegar & Substitutes For Vinegar From Acetic Acid	SS	0.08	0.12	0.45	0.22	0.0	0.0	0.0	0.0
090412	Pepper Of The Genus Piper, Crushed Or Ground	SS	0.18	0.20	0.26	0.21	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
020220	Meat, Bovine Cuts With Bone In, Frozen	VS	0.18	0.00	0.44	0.21	0.0	0.0	0.0	0.0
070820	Beans (Vigna Spp., Phaseolus Spp.) Fresh Or Chilled	PQ&SS	0.10	0.25	0.27	0.21	0.0	0.0	0.0	0.0
151519	Linseed Oil, Refined, Not Chemically Modified	SS	0.27	0.25	0.09	0.20	0.0	0.0	0.0	0.0
200710	Homogenized Preparatns Of Fruit (Baby Food Etc)	SS	0.25	0.18	0.17	0.20	0.0	0.0	0.0	0.0
120922	Clover (Trifolium Spp.) Seed For Sowing	SS	0.25	0.14	0.19	0.20	0.0	0.0	0.0	0.0
220830	Whiskies	SS	0.00	0.05	0.53	0.19	0.0	0.0	0.0	0.0
030229	Flatfish Nesoi Except Fillet, Liver Roe Fresh/Chld	VS	0.20	0.16	0.21	0.19	0.0	0.0	0.0	0.0
060220	Edible Fruit Or Nut Trees, Shrubs And Bushes	PQ	0.19	0.22	0.16	0.19	0.0	0.0	0.0	0.0
200600	Veg/Fruit/Nuts/Fruit-Peel Etc, Preserved By Sugar	SS	0.45	0.04	0.04	0.18	0.0	0.0	0.0	0.0
230890	Veg Materials, Wastes Etc For Animal Feed Nesoi	VS	0.00	0.25	0.26	0.17	0.0	0.0	0.0	0.0
200960	Grapejuice (Including Grape Must), Sweetend Or Not	SS	0.07	0.13	0.29	0.16	0.0	0.0	0.0	0.0
070190	Potatoes, Except Seed, Fresh Or Chilled, Nesoi	PQ&SS	0.25	0.02	0.21	0.16	0.0	0.0	0.0	0.0
120890	Flour & Meal Oil Seed/Oleaginous Frt Ex Mstd Nesoi	SS	0.16	0.16	0.15	0.16	0.0	0.0	0.0	0.0
190219	Pasta, Uncooked, Not Stuffed Etc., Nesoi	SS	0.23	0.12	0.11	0.15	0.0	0.0	0.0	0.0
200811	Peanuts, Prepared Or Preserved, Nesoi	SS	0.07	0.15	0.24	0.15	0.0	0.0	0.0	0.0
200830	Citrus Fruit (Including Mixtures), Prep Etc Nesoi	SS	0.27	0.16	0.03	0.15	0.0	0.0	0.0	0.0
070511	Head Lettuce (Cabbage Lettuce), Fresh Or Chilled	PQ&SS	0.17	0.12	0.14	0.14	0.0	0.0	0.0	0.0
130219	Vegetable Saps And Extracts, Nesoi	SS	0.10	0.16	0.17	0.14	0.0	0.0	0.0	0.0
030791	Molluscs Etc Nesoi, Live, Fresh Or Chilled	VS	0.02	0.19	0.20	0.14	0.0	0.0	0.0	0.0
030760	Snails Nesoi Live/Frsh/Chld/Frz/Drd/Saltd/In Brine	VS	0.20	0.12	0.08	0.13	0.0	0.0	0.0	0.0
030613	Shrimps And Prawns, Including In Shell, Frozen	VS	0.38	0.02	0.00	0.13	0.0	0.0	0.0	0.0
110423	Grains Worked (Hulld Pearld Sliced Kibld) Of Corn	SS	0.17	0.03	0.18	0.13	0.0	0.0	0.0	0.0
220510	Vermouth/Grpe Wine Flavored Wth Plants Etc Ctr 2L<	SS	0.05	0.10	0.23	0.13	0.0	0.0	0.0	0.0
180400	Cocoa Butter, Fat And Oil	SS	0.24	0.14	0.00	0.13	0.0	0.0	0.0	0.0
060290	Live Plants, Cuttings & Slips,Nesoi;Mushroom Spawn	PQ	0.07	0.12	0.18	0.13	0.0	0.0	0.0	0.0
160415	Mackerel, Prepared Or Preserved, Not Minced	SS	0.08	0.10	0.19	0.12	0.0	0.0	0.0	0.0
081220	Strawberries, Provisionally Preserved, Inedible	PQ&SS	0.10	0.12	0.14	0.12	0.0	0.0	0.0	0.0
100640	Rice, Broken	SS	0.06	0.26	0.04	0.12	0.0	0.0	0.0	0.0
200791	Citrus Fruit Jams, Jellies, Marmalades, Pastes Etc	SS	0.19	0.11	0.06	0.12	0.0	0.0	0.0	0.0
152190	Beeswax And Other Insect Waxes And Spermaceti	SS	0.27	0.07	0.00	0.12	0.0	0.0	0.0	0.0
050590	Skins & Other Parts Of Birds With Feath; Waste Etc	VS	0.03	0.17	0.13	0.11	0.0	0.0	0.0	0.0
200840	Pears, Prepared Or Preserved, Nesoi	SS	0.03	0.15	0.14	0.11	0.0	0.0	0.0	0.0
080719	Melons(Except Watermelons) And Papayas, Fresh	PQ&SS	0.00	0.01	0.31	0.11	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
110421	Grains Workd (Hulld Pearld Sliced Kibld) Of Barley	SS	0.08	0.11	0.12	0.11	0.0	0.0	0.0	0.0
040310	Yogurt, W/N Sweetened, Flavored Or Cntg Fruit/Coco	VS	0.08	0.07	0.16	0.11	0.0	0.0	0.0	0.0
030559	Fish, Dried, Whether Salted But Not Smoked Nesoi	VS	0.13	0.00	0.18	0.10	0.0	0.0	0.0	0.0
010210	Bovine Animals, Live, Purebred Breeding	VS	0.01	0.00	0.31	0.10	0.0	0.0	0.0	0.0
040130	Milk & Cream, Not Concndr/Swtn, Fat Content Ov 6%	VS	0.00	0.17	0.14	0.10	0.0	0.0	0.0	0.0
210420	Homogenized Composite Food Prep (Baby Food Etc)	SS	0.13	0.08	0.09	0.10	0.0	0.0	0.0	0.0
200310	Mushrooms Prep/Pres Ex By Vinegar/Acetic Acid	SS	0.11	0.07	0.11	0.10	0.0	0.0	0.0	0.0
110430	Germ Of Cereals, Whole, Rolled, Flaked Or Ground	SS	0.01	0.03	0.26	0.10	0.0	0.0	0.0	0.0
090420	Fruits Of Genus Capsicum Or Pimenta, Drd/Crsh/Grnd	SS	0.10	0.15	0.05	0.10	0.0	0.0	0.0	0.0
170219	Lactose In Solid Form And Lactose Syrup, Nesoi	SS	0.00	0.00	0.29	0.10	0.0	0.0	0.0	0.0
070690	Salad Beets, Radishes, Etc Nesoi, Fresh Or Chilled	PQ&SS	0.10	0.11	0.08	0.10	0.0	0.0	0.0	0.0
010111	Horses, Live, Purebred Breeding	VS	0.03	0.16	0.10	0.09	0.0	0.0	0.0	0.0
081090	Fruit Nesoi, Fresh	PQ&SS	0.10	0.08	0.09	0.09	0.0	0.0	0.0	0.0
020441	Carcasses And Half-Carcasses Of Sheep, Frozen	VS	0.21	0.06	0.00	0.09	0.0	0.0	0.0	0.0
030619	Crustaceans Nesoi Ckd Stmg/Boilg Frzn Flrs Mls Etc	VS	0.04	0.05	0.17	0.09	0.0	0.0	0.0	0.0
160590	Molluscs, Etc., Prepared Or Preserved	SS	0.00	0.15	0.09	0.08	0.0	0.0	0.0	0.0
091040	Thyme; Bay Leaves	SS	0.07	0.09	0.09	0.08	0.0	0.0	0.0	0.0
020500	Meat Of Horses, Asses, Mules, Hinnies Fr, Chld, Fz	VS	0.24	0.00	0.00	0.08	0.0	0.0	0.0	0.0
060310	Cut Flowers And Flower Buds, Fresh	PQ	0.02	0.04	0.18	0.08	0.0	0.0	0.0	0.0
110813	Starch, Potato	SS	0.23	0.00	0.00	0.08	0.0	0.0	0.0	0.0
090411	Pepper Of Genus Piper, Neither Crushed Nor Ground	SS	0.06	0.08	0.08	0.08	0.0	0.0	0.0	0.0
200490	Vegetables Nesoi, Prep Etc., No Vinegar Etc, Frozn	SS	0.17	0.01	0.04	0.08	0.0	0.0	0.0	0.0
220190	Waters Not Sweetnd Or Flavored Nesoi; Ice And Snow	SS	0.04	0.08	0.10	0.07	0.0	0.0	0.0	0.0
121010	Hop Cones Frsh/Dried, Not Ground Powdrd Or Pellets	SS	0.00	0.00	0.21	0.07	0.0	0.0	0.0	0.0
151610	Animal Fats And Oils Hydrogenated Etc Not Prepared	SS	0.16	0.03	0.02	0.07	0.0	0.0	0.0	0.0
030269	Fish, Nesoi, With Bones, Fresh Or Chilled	VS	0.21	0.00	0.00	0.07	0.0	0.0	0.0	0.0
090210	Green Tea Nt FermtD In Immed Packg Content Nov 3Kg	SS	0.04	0.04	0.13	0.07	0.0	0.0	0.0	0.0
060240	Roses, Grafted Or Not	PQ	0.03	0.08	0.09	0.07	0.0	0.0	0.0	0.0
120925	Rye Grass Seed For Sowing	SS	0.03	0.09	0.09	0.07	0.0	0.0	0.0	0.0
081210	Cherries, Provisionally Preserved, Inedible	PQ&SS	0.08	0.08	0.04	0.07	0.0	0.0	0.0	0.0
030799	Molluscs Etc Nesoi, Frozen, Dri, Salted Or In Brin	VS	0.05	0.09	0.05	0.07	0.0	0.0	0.0	0.0
200559	Beans, Not Shelled, Prep/Pres Nesoi, Not Frozen	SS	0.04	0.12	0.03	0.06	0.0	0.0	0.0	0.0
080700	Melons (incl Watermelons) and Papaws (Papayas), Fresh	PQ&SS	0.00	0.19	0.00	0.06	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
030374	Mackerel Except Fillets, Livers And Roes, Frozen	VS	0.19	0.00	0.00	0.06	0.0	0.0	0.0	0.0
110220	Corn (Maize) Flour	SS	0.12	0.03	0.04	0.06	0.0	0.0	0.0	0.0
071390	Leguminous Vegetables Nesoi, Dried Shell, Inc Seed	PQ&SS	0.00	0.19	0.00	0.06	0.0	0.0	0.0	0.0
070490	Edible Brassicas (Cabbages Etc) Nesoi, Fr Or Chill	PQ&SS	0.03	0.08	0.07	0.06	0.0	0.0	0.0	0.0
040229	Mlk & Crm,Cntd,Swtnd,Powdr/Solids, Over 1.5% Fat	VS	0.07	0.03	0.07	0.06	0.0	0.0	0.0	0.0
050790	Tortoise-Shell, Whalebone Nails Etc, Powder, Waste	VS	0.03	0.09	0.05	0.06	0.0	0.0	0.0	0.0
021019	Meat Of Swine Nesoi, Salted, In Brine, Dried, Smkd	VS	0.00	0.00	0.16	0.05	0.0	0.0	0.0	0.0
120220	Peanuts (Ground-Nuts), Raw, Shelled, Broken Or Not	SS	0.08	0.02	0.06	0.05	0.0	0.0	0.0	0.0
080610	Grapes, Fresh	PQ&SS	0.00	0.15	0.01	0.05	0.0	0.0	0.0	0.0
130110	Lac/Shellac/Stick Lac/Seed Lac/Button Lac/Othr La	SS	0.15	0.00	0.00	0.05	0.0	0.0	0.0	0.0
200930	Citrus Fruit Juice From A Single Fruit, Nesoi	SS	0.04	0.00	0.11	0.05	0.0	0.0	0.0	0.0
160200	Other prepared or preserved meat, meat offal or blood.	SS	0.00	0.08	0.07	0.05	0.0	0.0	0.0	0.0
080290	Nuts Nesoi, Fresh Or Dried, Shelled Or Not	PQ&SS	0.03	0.08	0.04	0.05	0.0	0.0	0.0	0.0
110720	Malt, Roasted	SS	0.01	0.10	0.03	0.05	0.0	0.0	0.0	0.0
020714	Chicken Cuts And Edible Offal (Inc Livers), Frozen	VS	0.11	0.03	0.00	0.05	0.0	0.0	0.0	0.0
120810	Flours And Meals Of Soybeans	SS	0.07	0.05	0.02	0.05	0.0	0.0	0.0	0.0
081310	Apricots, Dried	PQ&SS	0.02	0.04	0.08	0.05	0.0	0.0	0.0	0.0
110411	Grains, Rolled Or Flaked, Of Barley	SS	0.04	0.05	0.04	0.05	0.0	0.0	0.0	0.0
160400	Prep/Preserv fish; caviar and substitutes from fish eggs	SS	0.00	0.13	0.00	0.04	0.0	0.0	0.0	0.0
151529	Corn (Maize) Oil, Refined, & Fractions, Not Modif	SS	0.07	0.00	0.06	0.04	0.0	0.0	0.0	0.0
030339	Flat Fish Nesoi Except Fillets, Livers, Roes, Frz	VS	0.08	0.04	0.01	0.04	0.0	0.0	0.0	0.0
021090	Meat & Offal, Salted, Drd, Smkd, Incl Flour & Meal	VS	0.00	0.01	0.12	0.04	0.0	0.0	0.0	0.0
130239	Mucilage & Thickner W/N Modified,Frm Veg Prd Nesoi	SS	0.04	0.04	0.05	0.04	0.0	0.0	0.0	0.0
090240	Black Tea Fermdt & Other Partly Fermentd Tea Nesoi	SS	0.01	0.04	0.07	0.04	0.0	0.0	0.0	0.0
210310	Soy Sauce	SS	0.00	0.01	0.11	0.04	0.0	0.0	0.0	0.0
110312	Groats And Meal Of Oats	SS	0.11	0.01	0.00	0.04	0.0	0.0	0.0	0.0
020622	Livers Of Bovine Animals, Edible, Frozen	VS	0.09	0.02	0.00	0.04	0.0	0.0	0.0	0.0
080222	Hazelnuts Or Filberts, Fresh Or Dried, Shelled	PQ&SS	0.00	0.00	0.11	0.04	0.0	0.0	0.0	0.0
151800	Anml/Veg Fats & Oils Chem Modified; Inedbl Mxt Etc	SS	0.03	0.02	0.07	0.04	0.0	0.0	0.0	0.0
020322	Meat, Swine, Hams, Shoulders Etc, Bone In, Frozen	VS	0.11	0.00	0.00	0.04	0.0	0.0	0.0	0.0
140490	Vegetable Products Nesoi	SS	0.07	0.03	0.01	0.04	0.0	0.0	0.0	0.0
010310	Swine, Live, Purebred Breeding Animals	VS	0.00	0.00	0.11	0.04	0.0	0.0	0.0	0.0
020712	Meat & Offal Of Chickens,Not Cut In Pieces,Frozen	VS	0.11	0.00	0.00	0.04	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
071140	Cucumbers/Gherkins Provisionally Pres, Inedible	PQ&SS	0.10	0.01	0.00	0.03	0.0	0.0	0.0	0.0
160430	Caviar And Caviar Substitutes	SS	0.10	0.00	0.00	0.03	0.0	0.0	0.0	0.0
121220	Seaweeds & Other Algae Frsh Or Dried W/Not Ground	SS	0.03	0.03	0.04	0.03	0.0	0.0	0.0	0.0
020713	Chicken Cuts & Edible Offal (Incl Liver) Frsh/Chld	VS	0.04	0.00	0.06	0.03	0.0	0.0	0.0	0.0
020443	Meat Of Sheep, Boneless, Frozen	VS	0.06	0.04	0.00	0.03	0.0	0.0	0.0	0.0
130190	Natural Gums, Gum Resins, Resins And Balsams Neso	SS	0.09	0.00	0.00	0.03	0.0	0.0	0.0	0.0
170410	Chewing Gum, Whether Or Not Sugar Coated	SS	0.00	0.00	0.10	0.03	0.0	0.0	0.0	0.0
070990	Vegetables, Nesoi, Fresh Or Chilled	PQ&SS	0.00	0.01	0.08	0.03	0.0	0.0	0.0	0.0
230330	Brewing Or Distilling Dregs And Waste, W/Nt Pellet	VS	0.02	0.03	0.04	0.03	0.0	0.0	0.0	0.0
051000	Ambergris, Castoreum Etc; Glands Etc For Pharmacy	VS	0.03	0.06	0.00	0.03	0.0	0.0	0.0	0.0
200911	Orange Juice, Frozen, Sweetened Or Not	SS	0.01	0.01	0.07	0.03	0.0	0.0	0.0	0.0
120923	Fescue Seed For Sowing	SS	0.04	0.02	0.02	0.03	0.0	0.0	0.0	0.0
240391	Homogenized Or Reconstituted Tobacco	SS	0.00	0.00	0.09	0.03	0.0	0.0	0.0	0.0
030222	Plaice Except Fillets, Livers, Roes, Fresh/Chilled	VS	0.02	0.07	0.00	0.03	0.0	0.0	0.0	0.0
070610	Carrots And Turnips, Fresh Or Chilled	PQ&SS	0.01	0.04	0.04	0.03	0.0	0.0	0.0	0.0
210610	Protein Concentrates & Textured Protein Substances	SS	0.01	0.01	0.07	0.03	0.0	0.0	0.0	0.0
160290	Anml Meat Nesoi Blood Preps Of Any Anml, Prep/Pres	SS	0.02	0.02	0.04	0.03	0.0	0.0	0.0	0.0
070930	Eggplants (Aubergines), Fresh Or Chilled	PQ&SS	0.02	0.03	0.03	0.03	0.0	0.0	0.0	0.0
090220	Green Tea (Not Fermented) Nesoi	SS	0.00	0.02	0.06	0.03	0.0	0.0	0.0	0.0
020130	Meat Of Bovine Animals, Boneless, Fresh Or Chilled	VS	0.08	0.00	0.00	0.03	0.0	0.0	0.0	0.0
080620	Grapes, Dried (Including Raisins)	PQ&SS	0.00	0.02	0.05	0.02	0.0	0.0	0.0	0.0
081030	Currants, Blck,White/Red & Gooseberries Ex Kiwi,	PQ&SS	0.04	0.02	0.01	0.02	0.0	0.0	0.0	0.0
050690	Powder And Waste Of Bones And Horn-Cores, Nesoi	VS	0.00	0.04	0.03	0.02	0.0	0.0	0.0	0.0
230910	Dog And Cat Food, Put Up For Retail Sale	VS	0.01	0.01	0.05	0.02	0.0	0.0	0.0	0.0
110422	Grains Worked (Hulld Pearld Sliced Kibbl) Of Oats	SS	0.05	0.02	0.00	0.02	0.0	0.0	0.0	0.0
180100	Cocoa Beans, Whole Or Broken, Raw Or Roasted	SS	0.02	0.04	0.00	0.02	0.0	0.0	0.0	0.0
220840	Rum And Tafia	SS	0.00	0.00	0.06	0.02	0.0	0.0	0.0	0.0
081330	Apples, Dried	PQ&SS	0.01	0.01	0.04	0.02	0.0	0.0	0.0	0.0
121110	Licorice Roots Fresh/Dried W/Nt Cut Crushed/Powdr	SS	0.04	0.01	0.01	0.02	0.0	0.0	0.0	0.0
080530	Lemons And Limes, Fresh Or Dried	PQ&SS	0.00	0.05	0.01	0.02	0.0	0.0	0.0	0.0
091099	Spices, Nesoi	SS	0.00	0.03	0.02	0.02	0.0	0.0	0.0	0.0
090950	Seeds Of Fennel; Juniper Berries	SS	0.00	0.05	0.00	0.02	0.0	0.0	0.0	0.0
060491	Foliage, Branches Etc, Fresh	PQ	0.02	0.00	0.03	0.02	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
091091	Mixtures Of Spices Provided For In Diff Headings	SS	0.02	0.02	0.01	0.02	0.0	0.0	0.0	0.0
100620	Rice, Husked (Brown)	SS	0.01	0.00	0.05	0.02	0.0	0.0	0.0	0.0
071332	Beans, Small Red (Adzuki), Dried Shelled, Inc Seed	PQ&SS	0.02	0.02	0.02	0.02	0.0	0.0	0.0	0.0
120926	Timothy Grass Seed For Sowing	SS	0.00	0.03	0.02	0.02	0.0	0.0	0.0	0.0
080910	Apricots, Fresh	PQ&SS	0.04	0.01	0.00	0.02	0.0	0.0	0.0	0.0
081010	Strawberries, Fresh	PQ&SS	0.02	0.02	0.01	0.02	0.0	0.0	0.0	0.0
040110	Milk And Cream, Nt Concndrd, Nt Sweetd, Nov 1% Fat	VS	0.01	0.01	0.04	0.02	0.0	0.0	0.0	0.0
130232	Mucilages/Thicknrs Frm Locust Bean/Seed, Guar Seed	SS	0.00	0.05	0.00	0.02	0.0	0.0	0.0	0.0
170211	Lactose & Lactose Syrup Cont 99% More Lactse By Wt	SS	0.00	0.00	0.05	0.02	0.0	0.0	0.0	0.0
060210	Live Plant Cuttings And Slips, Unrooted	PQ	0.00	0.02	0.02	0.02	0.0	0.0	0.0	0.0
120921	Alfalfa (Lucerne) Seed For Sowing	SS	0.01	0.00	0.03	0.02	0.0	0.0	0.0	0.0
041000	Edible Products Of Animal Origin, Nesoi	VS	0.03	0.00	0.01	0.01	0.0	0.0	0.0	0.0
190120	Mixes & Doughs For Prep Of Bakers Wares Hdg 1905	SS	0.01	0.01	0.02	0.01	0.0	0.0	0.0	0.0
071090	Vegetables Mixtures, Raw/Cooked By Boiling, Frozen	PQ&SS	0.01	0.00	0.03	0.01	0.0	0.0	0.0	0.0
151530	Castor Oil, Whether/Not Refined, Nt Chem Modified	SS	0.02	0.01	0.02	0.01	0.0	0.0	0.0	0.0
080520	Mandarins (Inc Tanger Etc) & Citrus Hybr Fr Or Dri	PQ&SS	0.00	0.04	0.00	0.01	0.0	0.0	0.0	0.0
070410	Cauliflower And Headed Broccoli, Fresh Or Chilled	PQ&SS	0.00	0.03	0.01	0.01	0.0	0.0	0.0	0.0
230700	Wine Lees; Argol	VS	0.02	0.00	0.02	0.01	0.0	0.0	0.0	0.0
080250	Pistachios, Fresh Or Dried, Shelled Or Not	PQ&SS	0.00	0.00	0.04	0.01	0.0	0.0	0.0	0.0
050800	Coral, Shell Of Molluscs Etc Unworked Powder/Waste	VS	0.01	0.02	0.01	0.01	0.0	0.0	0.0	0.0
220850	Gin And Geneva	SS	0.00	0.00	0.04	0.01	0.0	0.0	0.0	0.0
030371	Sardines Except Fillets, Livers And Roes, Frozen	VS	0.03	0.00	0.00	0.01	0.0	0.0	0.0	0.0
080300	Bananas And Plantains, Fresh Or Dried	PQ&SS	0.00	0.01	0.03	0.01	0.0	0.0	0.0	0.0
030749	Cuttle Fish & Squid, Froz, Dri, Salted Or In Brine	VS	0.01	0.01	0.02	0.01	0.0	0.0	0.0	0.0
071290	Vegetables Nesoi & Mixtures, Dried, No Furth Prep	PQ&SS	0.00	0.01	0.02	0.01	0.0	0.0	0.0	0.0
071350	Broad Beans & Horse Beans, Dried Shelled, Inc Seed	PQ&SS	0.01	0.00	0.02	0.01	0.0	0.0	0.0	0.0
240290	Cigar/Cheroot/Cigarillo/Cigs Of Tob Substits Nesoi	SS	0.00	0.03	0.00	0.01	0.0	0.0	0.0	0.0
081020	Raspberries/Blckberries/Mulberries/Loganberrrs Frsh	PQ&SS	0.03	0.00	0.00	0.01	0.0	0.0	0.0	0.0
210230	Baking Powders, Prepared	SS	0.01	0.01	0.01	0.01	0.0	0.0	0.0	0.0
021011	Hams, Shoulders & Cuts, Bone In, Salted, Drd, Smkd	VS	0.03	0.00	0.00	0.01	0.0	0.0	0.0	0.0
080111	Coconuts, Dessicated	PQ&SS	0.00	0.01	0.01	0.01	0.0	0.0	0.0	0.0
190490	Cereals (Not Corn) In Grain Form, Prepared, Nesoi	SS	0.01	0.02	0.01	0.01	0.0	0.0	0.0	0.0
130212	Vegetable Saps And Extracts Of Licorice	SS	0.00	0.01	0.02	0.01	0.0	0.0	0.0	0.0

HS	Description	Relevant Service	Export Value, Million US\$				Share of food & agriculture (%)			
			2004	2005	2006	Avg 2004-2006	2004	2005	2006	Avg 2004-2006
030549	Fish Including Fillets, Smoked, Nesoi	VS	0.02	0.00	0.01	0.01	0.0	0.0	0.0	0.0
081350	Mixtures Of Dried Fruits, Nuts, Or Fruits And Nuts	PQ&SS	0.00	0.01	0.02	0.01	0.0	0.0	0.0	0.0
190510	Crispbread	SS	0.01	0.01	0.00	0.01	0.0	0.0	0.0	0.0
051191	Products & Dead Fish, Molluscs Etc, Inedible Nesoi	VS	0.00	0.00	0.02	0.01	0.0	0.0	0.0	0.0
070110	Potatoes, Seed, Fresh Or Chilled	PQ&SS	0.00	0.03	0.00	0.01	0.0	0.0	0.0	0.0
130220	Pectic Substances, Pectinates And Pectates	SS	0.01	0.01	0.00	0.01	0.0	0.0	0.0	0.0
090620	Cinnamon & Cinnamon-Tree Flowers, Crushd Or Ground	SS	0.01	0.01	0.01	0.01	0.0	0.0	0.0	0.0
120930	Seeds Herbaceous Plants Prncply Flowers, For Sowing	SS	0.00	0.00	0.02	0.01	0.0	0.0	0.0	0.0
080820	Pears And Quinces, Fresh	PQ&SS	0.02	0.00	0.00	0.01	0.0	0.0	0.0	0.0
030490	Fish Meat Nesoi, Exc Fish Steaks & Fillets, Froz	VS	0.02	0.00	0.00	0.01	0.0	0.0	0.0	0.0
110314	Groats And Meal Of Rice	SS	0.00	0.00	0.02	0.01	0.0	0.0	0.0	0.0
071220	Onions, Dried (Powder Etc), Not Further Prepared	PQ&SS	0.00	0.00	0.02	0.01	0.0	0.0	0.0	0.0
030510	Flours, Meals & Pelts Of Fish, For Human Consumpt	VS	0.02	0.00	0.00	0.01	0.0	0.0	0.0	0.0
030350	Herrings Except Fillets, Livers & Roes, Frozen	VS	0.00	0.00	0.02	0.01	0.0	0.0	0.0	0.0
120919	Beet Seed Used For Sowing Except Sugar Beet Seed	SS	0.01	0.00	0.01	0.01	0.0	0.0	0.0	0.0
071010	Potatoes Uncookd/Cooked By Boiling In Water, Frozn	PQ&SS	0.00	0.02	0.00	0.01	0.0	0.0	0.0	0.0
200900	Fruit & veg juices, unferm, no add spirit, w/ or w/o sweeten	SS	0.00	0.02	0.00	0.01	0.0	0.0	0.0	0.0
230670	Corn Germ Oilcake Othr Solid Residue Wh/Not Groun	VS	0.02	0.00	0.00	0.01	0.0	0.0	0.0	0.0
090122	Coffee, Roasted, Decaffeinated	SS	0.00	0.01	0.01	0.01	0.0	0.0	0.0	0.0
010593	Chickens, Weighing More Than 2,000 G Each	VS	0.02	0.00	0.00	0.01	0.0	0.0	0.0	0.0
090940	Seeds Of Caraway	SS	0.01	0.00	0.00	0.01	0.0	0.0	0.0	0.0
070890	Leguminous Vegetables, Nesoi, Fresh Or Chilled	PQ&SS	0.00	0.00	0.01	0.01	0.0	0.0	0.0	0.0
120760	Safflower Seeds, Whether Or Not Broken	SS	0.00	0.02	0.00	0.01	0.0	0.0	0.0	0.0
071339	Beans Nesoi, Dried Shelled, Including Seed	PQ&SS	0.00	0.00	0.01	0.01	0.0	0.0	0.0	0.0
090700	Cloves (Whole Fruit, Cloves And Stems)	SS	0.00	0.01	0.01	0.01	0.0	0.0	0.0	0.0
080121	Brazil Nuts, Fresh Or Dried, In Shell	PQ&SS	0.02	0.00	0.00	0.01	0.0	0.0	0.0	0.0

Note: SS = Sanitary Service, VS = Veterinary Service, PQ = Plant Quarantine Service.

Source: State Customs Committee of Ukraine.